

**2021**

# **MISSOURI LEGAL MALPRACTICE INSURANCE REPORT**

MISSOURI DEPARTMENT OF COMMERCE & INSURANCE

STATISTIC SECTION  
JUNE 2022



**DCI**

Missouri Department of Commerce & Insurance

## **DEFINITION OF TERMS**

**Indemnity Paid:** The sum of all payments made during the year for the benefit of insurance claimants, before reinsurance has been ceded and/or assumed. These payments include amounts paid in the current year for claims arising from coverage in prior years and exclude amounts which will be paid in future years for claims arising from the current year. Hence, this item is not a measure of the actual cost of current coverages, but only of current cash flows.

**Loss Adjustment Expenses:** The cost involved in an insurance company's adjustment of losses under a policy.

**Direct Premiums Written:** The dollar amount charged when a policyholder contracts for insurance coverage before reinsurance has been ceded and/or assumed.

**Direct Premiums Earned:** The part of premium attributable to the coverage already provided in a given period before reinsurance has been ceded and/or assumed.

**Direct Losses Incurred:** The sum of direct losses paid plus an estimate at the close of the year of the amounts to be paid in the future for all claims arising from the current and all prior years, minus the corresponding estimate made at the close of business for the preceding year. Incurred losses reported include estimated amounts unpaid for incurred-but-not-reported (IBNR) claims.

**Loss Ratio:** The dollar amount of direct losses incurred divided by the dollar amount of premiums earned for the particular line of business being analyzed, expressed as a percentage. This is an accounting representation of the portion of each premium dollar which is needed to honor a company's promise to pay claims.

## **LEGAL MALPRACTICE INSURANCE REPORT**

### **EXECUTIVE SUMMARY**

This report summarizes the legal malpractice insurance experience in Missouri from 2012 to 2021. The charts, graphs and tables in this report are limited to closed claim information and were constructed from data collected by the Department of Commerce and Insurance as required by Section 383.077 RSMo. The premium and loss data, obtained from the Missouri Page 19 Supplement to the companies' annual statements, are presented in the final section.

In 2021, the loss ratio for legal malpractice insurance in Missouri was 48 percent. For the 10-year period of claims closed, 465 (28 percent) were closed with payment. Claims closed in 2021 totaled 104, a decrease of 24 percent from the previous year. The average payment was \$134,707.

The cost to an insurer for settling legal malpractice cases (called loss adjustment expense, consisting of legal fees, claim adjustment costs and related items) has fluctuated over the past 10 years. In 2021, the average loss adjustment expense for all claims closed with payment was \$46,993 compared to \$53,717 in 2020.

Indemnity amounts are categorized by claim characteristics, including:

- Area of law in which the insured was retained by the claimant.
- Major activity in which the lawyer was engaged at the time the alleged error or omission occurred.
- Alleged error or omission that was the most significant reason for making the claim.
- The legal disposition of the claim at the closing date.
- The number of years the insured had been in practice at the time of the alleged error or omission.
- The relationship of the insured to the claimant.

The largest class of cases in 2021 consisted of bodily injury / property damage claims (29 of 104). The largest proportion of all claims closed in 2021 pertained to an alleged deficiency with respect to the *commencement of action or proceeding*. Of all claims paid during 2021, 50 percent were settled *before filing suit or demanding hearing* on the alleged malpractice.

Fifty-five percent of losses in 2021 occurred among attorneys with *more than 10 years of practice*. The insured's relationship to the claimant is partitioned into four subclasses: *free legal service, non-client, member of pre-paid legal plan and client other than free service or prepaid legal plan*. Eighty-severn percent of 2021 claims occurred in the category of *client other than free legal service or member of pre-paid legal plan*.

Only 15 companies reported writing legal malpractice insurance in Missouri for 2021. Of these, the Bar Plan Mutual Insurance Company was largest, with over 54 percent of the legal malpractice insurance market in this state.

This report was compiled using information submitted by insurance companies. As a result, the accuracy of this report is dependent upon the correctness of each company's data. Copies of this report will be made available in Braille, large print or on audio cassette upon request. Any questions regarding this report should be addressed to the Statistics Section, Department of Commerce and Insurance, P.O. Box 690, Jefferson City, MO 65102-0690.

The Missouri Department of Commerce and Insurance is an Equal Opportunity Employer

## TABLE OF CONTENTS

SECTION	DESCRIPTION	PAGE
I	TEN YEAR SUMMARY.....	3
II	INDEMNITY SUMMARY	
	Area of Law: 10-Year and 2020 Summary .....	9
	Trends of the Top 10 Areas of Law .....	13
	Major Activity: 10-Year and 2020 Summary.....	25
	Trends of the Top 10 Major Activity .....	29
	Alleged Errors or Omissions: 10-Year and 2020 Summary.....	41
	Trends of the Top 10 Alleged Errors or Omissions .....	45
	Claim Disposition: 10-Year and 2020 Summary.....	57
	Trends of the Top 8 Claim Dispositions.....	61
	Years Admitted to Practice: 10-Year and 2020 Summary .....	69
	Trends of Years Admitted to Practice .....	73
	Insured/Claimant Relationship: 10-Year and 2020 Summary .....	79
	Trends of Insured/Claimant Relationship .....	83
III	PREMIUM AND LOSS DATA .....	89

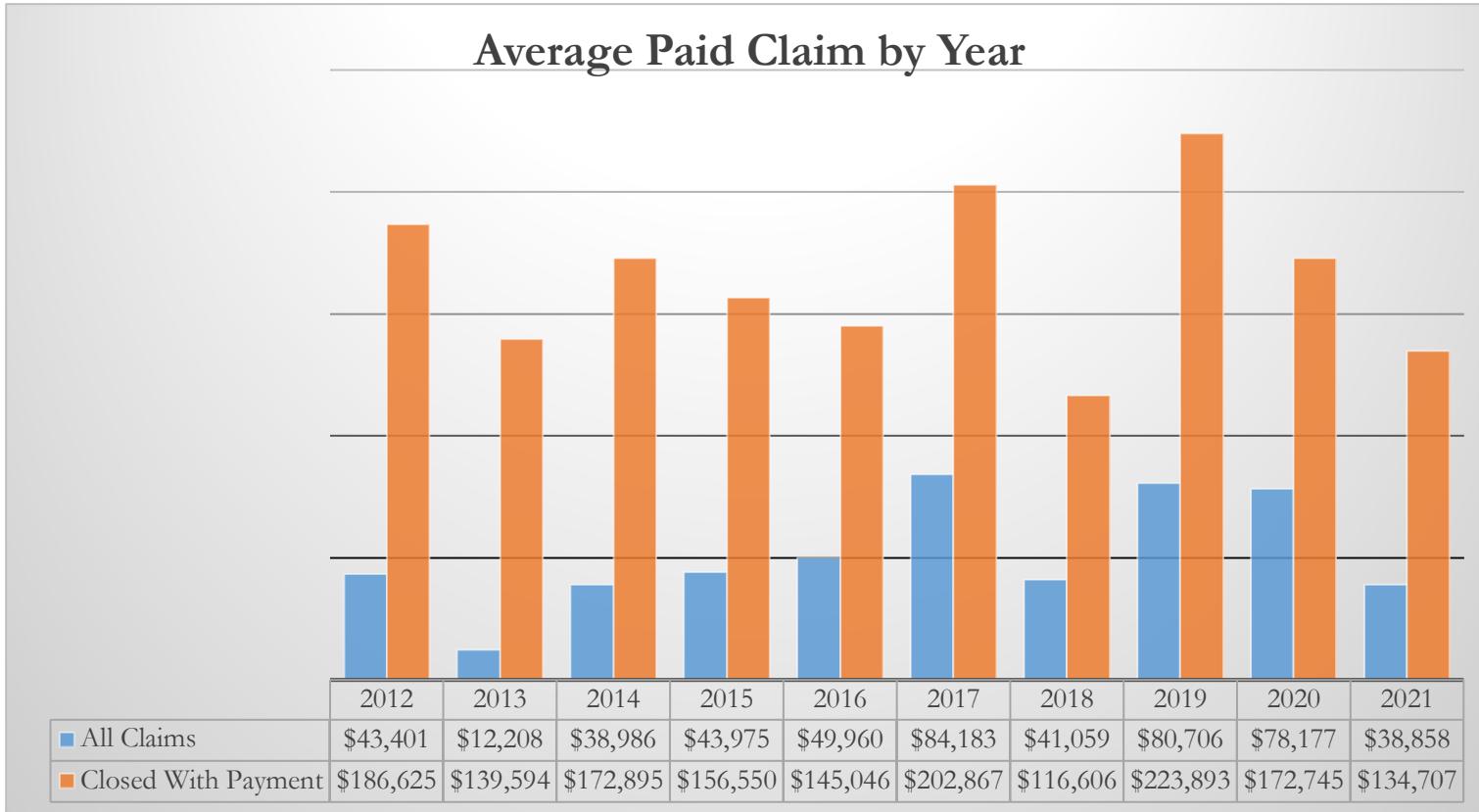
## Legal Malpractice Claims

### Ten Year Summary

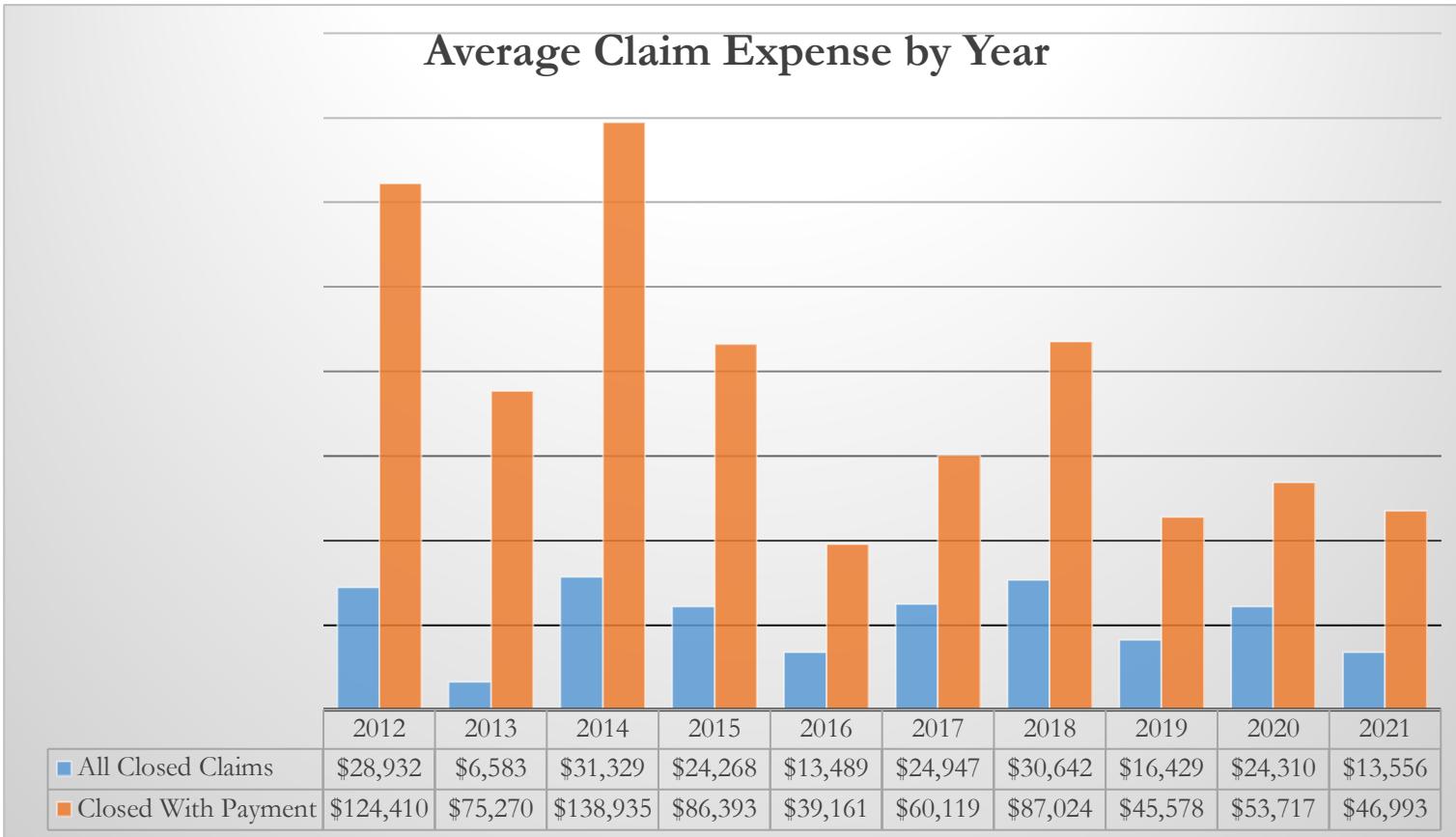
2012-2021

Closed Claims	Number of Claims	Percent of All Claims	Total Indemnity Paid	Average Indemnity Paid	Total Loss Expenses	Average Loss Expense
All Closed Claims	1,656	100.0%	\$77,212,724	\$46,626	\$35,261,961	\$21,293
Closed With Payment	465	28.1%	\$77,212,724	\$166,049	\$21,196,370	\$45,584
Closed Without Payment	1,191	71.9%	\$0	\$0	\$14,065,591	\$11,810
Claims Settled Through Court Proceedings	131	7.9%	\$3,085,132	\$23,551	\$6,639,124	\$50,680
Court Proceeding Resulting in Payment	13	0.8%	\$3,085,132	\$237,318	\$1,997,987	\$153,691

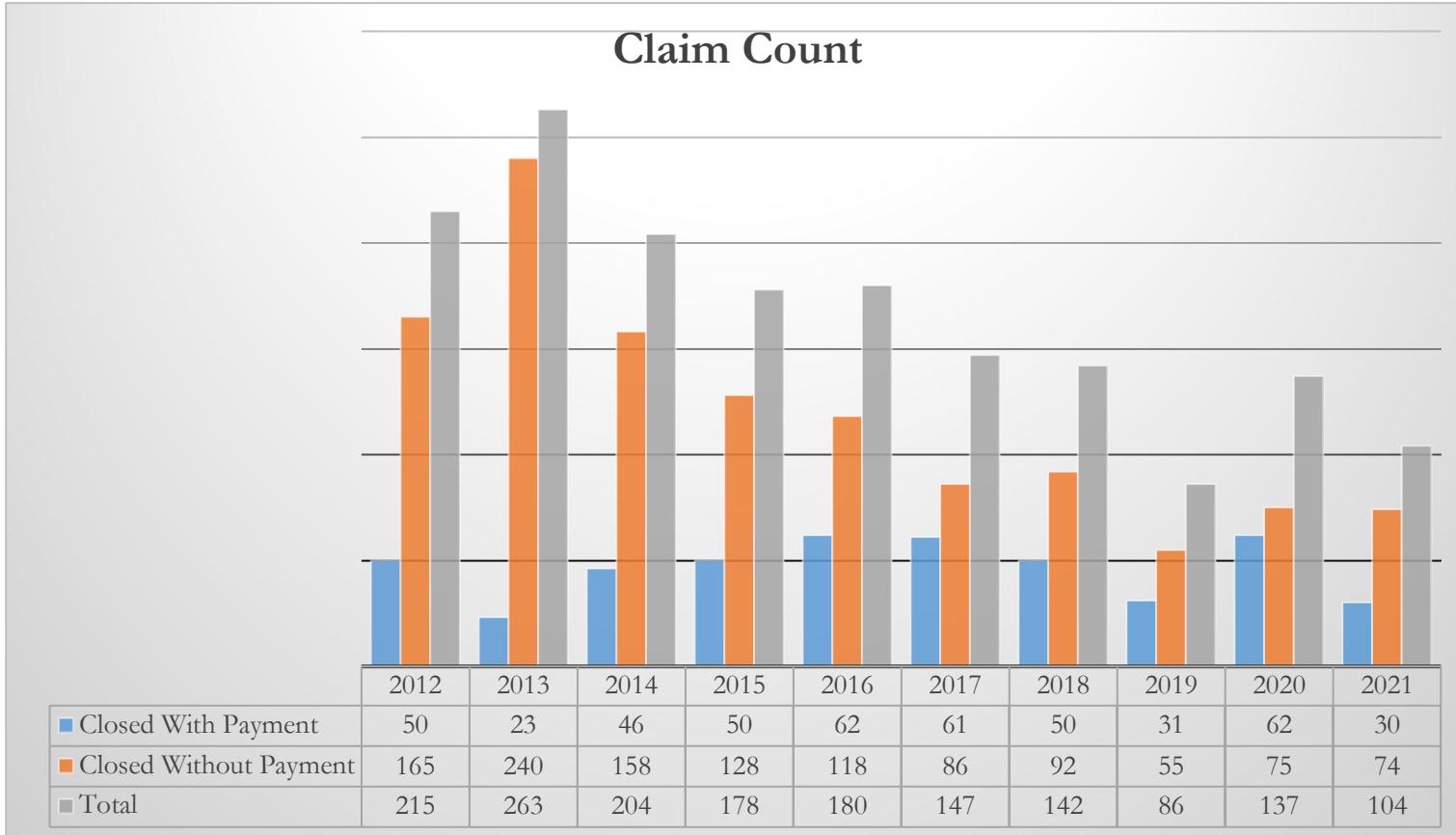
## Average Paid Claim by Year



## Average Claim Expense by Year



## Claim Count



**Summary by Area of Law**

**Prior Ten Years**

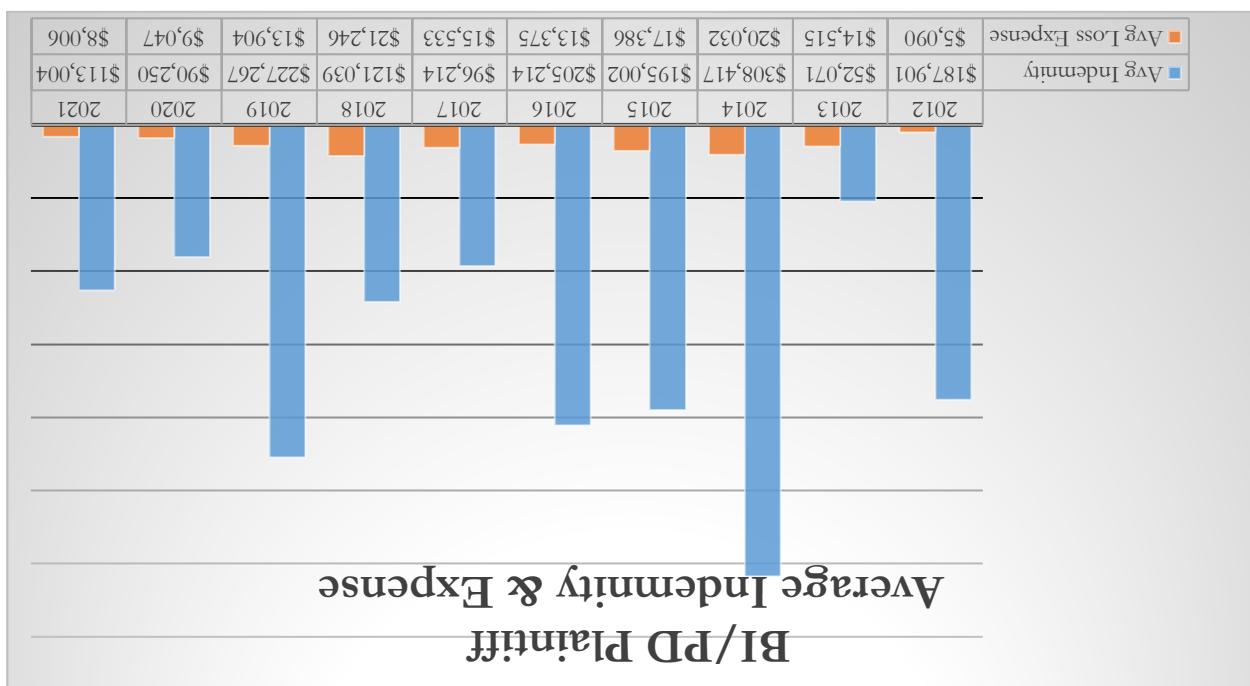
## Claim Closed, 2012-2021

Area of Law	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
BI/PD - PLAINTIFF	306	98	21.1%	\$164,042	\$16,076,098	20.8%	\$13,711
COLLECTION & BANKRUPTCY	271	70	15.1%	\$123,048	\$8,613,384	11.2%	\$9,513
ESTATE, TRUST & PROBATE	205	61	13.1%	\$141,585	\$8,636,709	11.2%	\$26,787
FAMILY LAW	189	49	10.5%	\$130,833	\$6,410,820	8.3%	\$17,672
REAL ESTATE	178	31	6.7%	\$122,247	\$3,789,662	4.9%	\$9,444
CORPORATE & BUSINESS ORGANIZATION	98	20	4.3%	\$227,313	\$4,546,263	5.9%	\$33,821
BUSINESS TRANSACTION/COMMERCIAL LAW	64	23	4.9%	\$246,973	\$5,680,375	7.4%	\$75,714
CRIMINAL	60	9	1.9%	\$65,583	\$590,250	0.8%	\$13,478
WORKERS COMPENSATION	58	19	4.1%	\$215,620	\$4,096,784	5.3%	\$5,283
BI/PD - DEFENDANT	56	21	4.5%	\$373,080	\$7,834,689	10.1%	\$42,267
LABOR LAW	42	23	4.9%	\$101,457	\$2,333,504	3.0%	\$23,762
CIVIL RIGHTS & COMMISSION	36	9	1.9%	\$206,674	\$1,860,065	2.4%	\$14,083
CONSUMER CLAIMS	18	6	1.3%	\$92,000	\$552,000	0.7%	\$43,749
LOCAL GOVERNMENT	15	5	1.1%	\$232,151	\$1,160,754	1.5%	\$43,187
CONSTRUCTION (BUILDING CONTRACTS)	14	7	1.5%	\$146,243	\$1,023,698	1.3%	\$30,513
TAXATION	11	2	0.4%	\$564,335	\$1,128,669	1.5%	\$18,037
PATENTS, TRADEMARKS, COPYRIGHTS	8	2	0.4%	\$326,250	\$652,500	0.8%	\$301,328
SECURITIES (S.E.C.)	7	1	0.2%	\$42,500	\$42,500	0.1%	\$8,947
IMMIGRATION & NATURALIZATION	6	4	0.9%	\$81,000	\$324,000	0.4%	\$3,333
GOVERNMENT CONTRACTS & CLAIMS	4	2	0.4%	\$62,500	\$125,000	0.2%	\$4,317
ADMIRALTY	2	1	0.2%	\$1,105,000	\$1,105,000	1.4%	\$85,064
ENVIRONMENT	1	1	0.2%	\$330,000	\$330,000	0.4%	\$18,307
NATIONAL RESOURCES	1	1	0.2%	\$300,000	\$300,000	0.4%	\$68,837

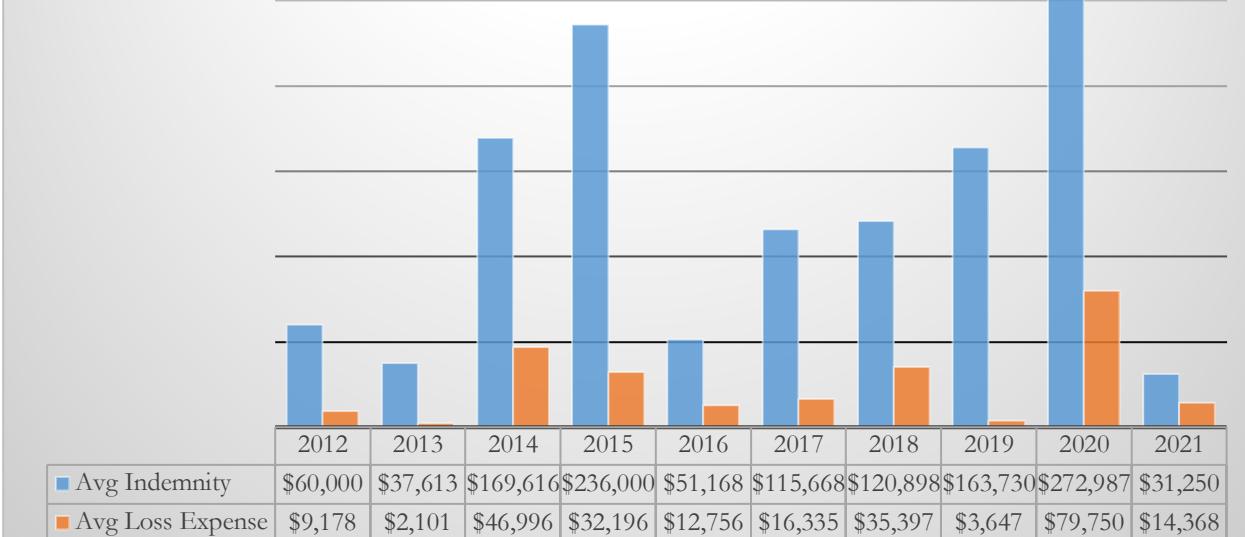
## Claims Closed in 2021

Area of Law	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
BI/PD - PLAINTIFF	29	7	23.3%	\$113,004.00	\$791,028.00	19.6%	\$8,006
FAMILY LAW	14	6	20.0%	\$93,420	\$560,520	13.9%	\$24,399
ESTATE, TRUST & PROBATE	13	2	6.7%	\$31,250	\$62,500	1.5%	\$14,368
WORKERS COMPENSATION	12	3	10.0%	\$21,400	\$64,200	1.6%	\$4,632
COLLECTION & BANKRUPTCY	9	3	10.0%	\$11,833	\$35,500	0.9%	\$12,752
BI/PD - DEFENDANT	5	1	3.3%	\$57,500	\$57,500	1.4%	\$10,898
REAL ESTATE	5	1	3.3%	\$29,501	\$29,501	0.7%	\$6,918
LABOR LAW	4	2	6.7%	\$102,500	\$205,000	5.1%	\$24,274
BUSINESS TRANSACTION/COMMERCIAL LAW	3	2	6.7%	\$914,000	\$1,828,000	45.2%	\$73,540
CIVIL RIGHTS & COMMISSION	3	2	6.7%	\$197,533	\$395,065	9.8%	\$17,006
CONSUMER CLAIMS	3				\$0	0.0%	\$3,700
CORPORATE & BUSINESS ORGANIZATION	2	1	3.3%	\$12,400	\$12,400	0.3%	\$5,000
CRIMINAL	1				\$0	0.0%	\$0
TAXATION	1				\$0	0.0%	\$0

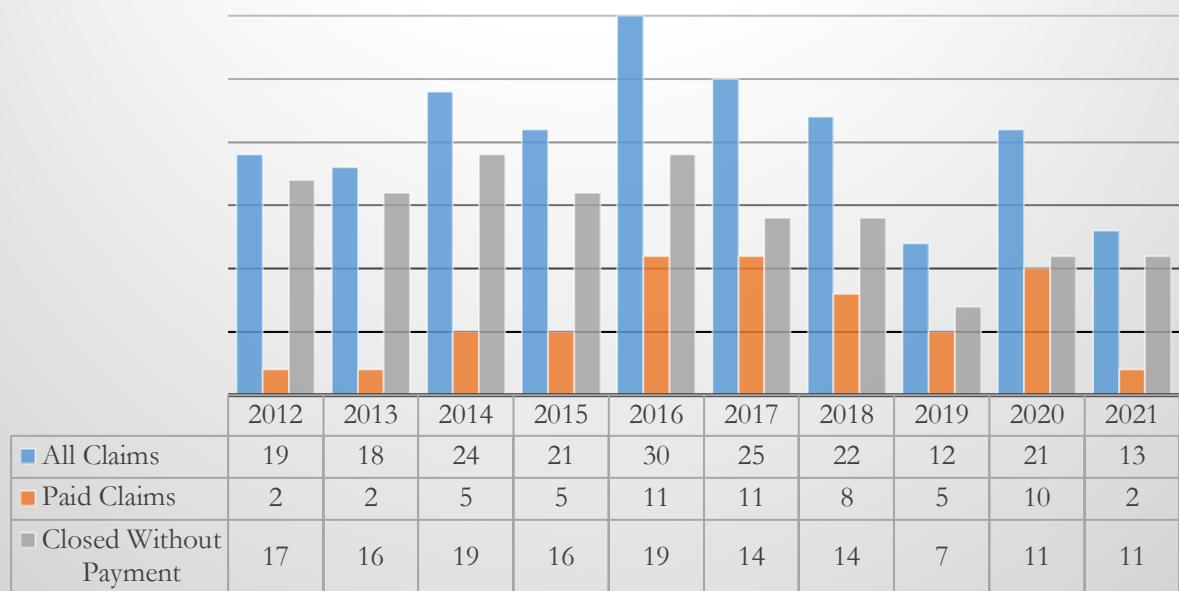
## **Trends in the Top 10 Areas of Law**



## Estate, Trust & Probate Average Indemnity & Expense



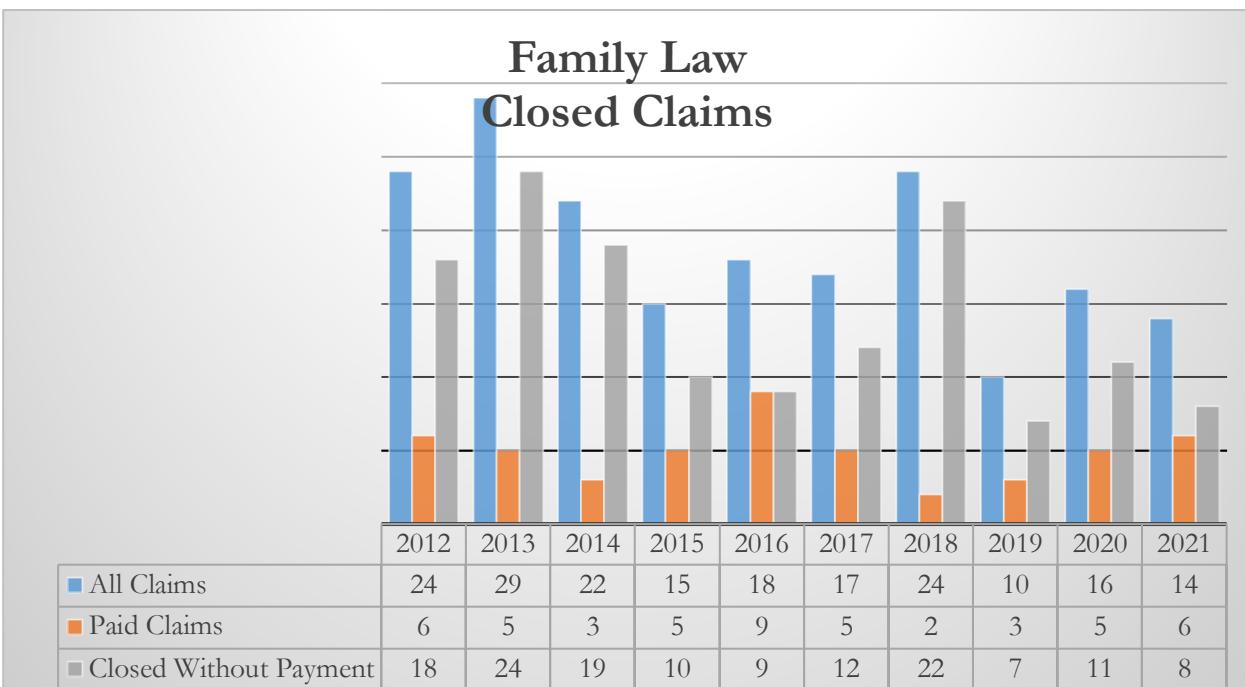
## Estate, Trust & Probate Closed Claims



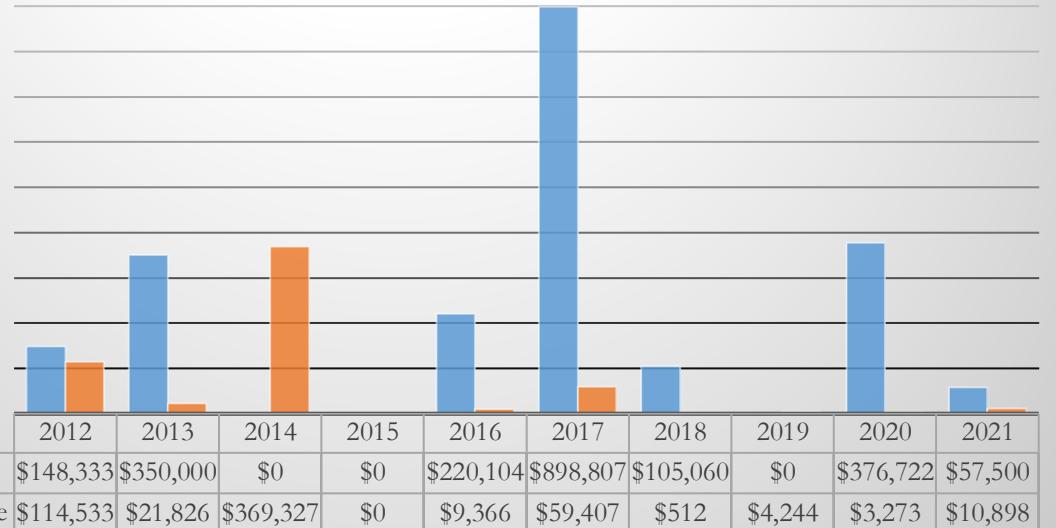
## Family Law Average Indemnity & Expense



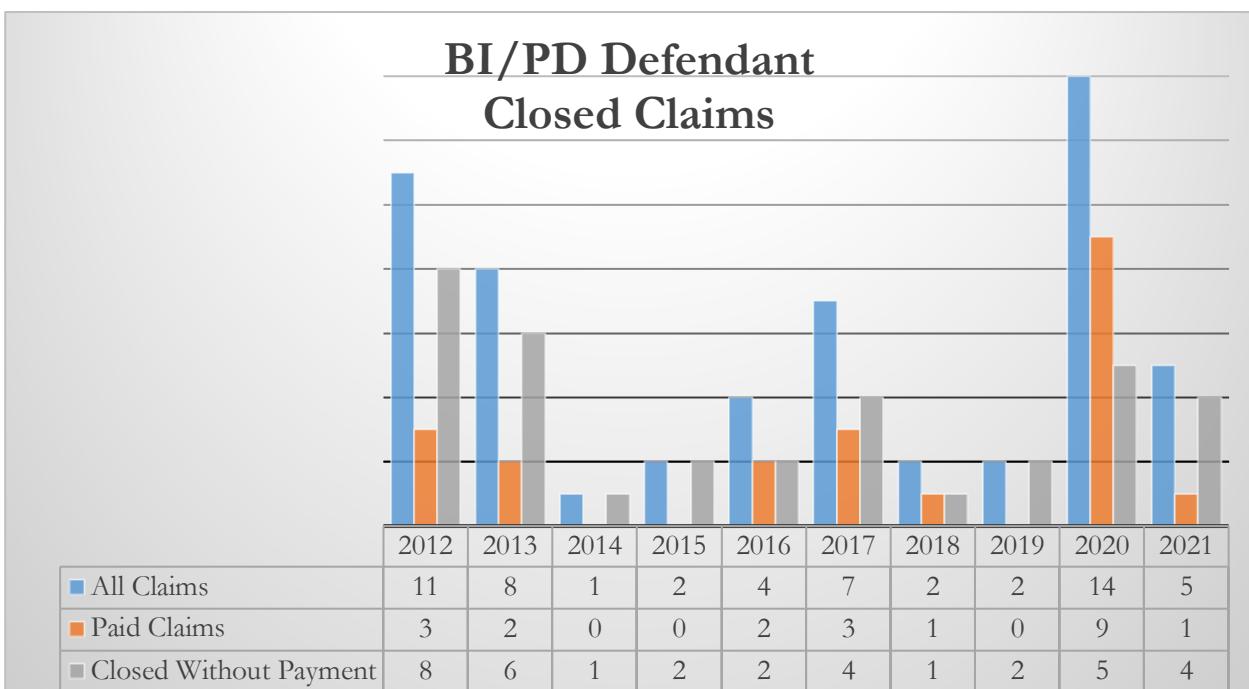
## Family Law Closed Claims



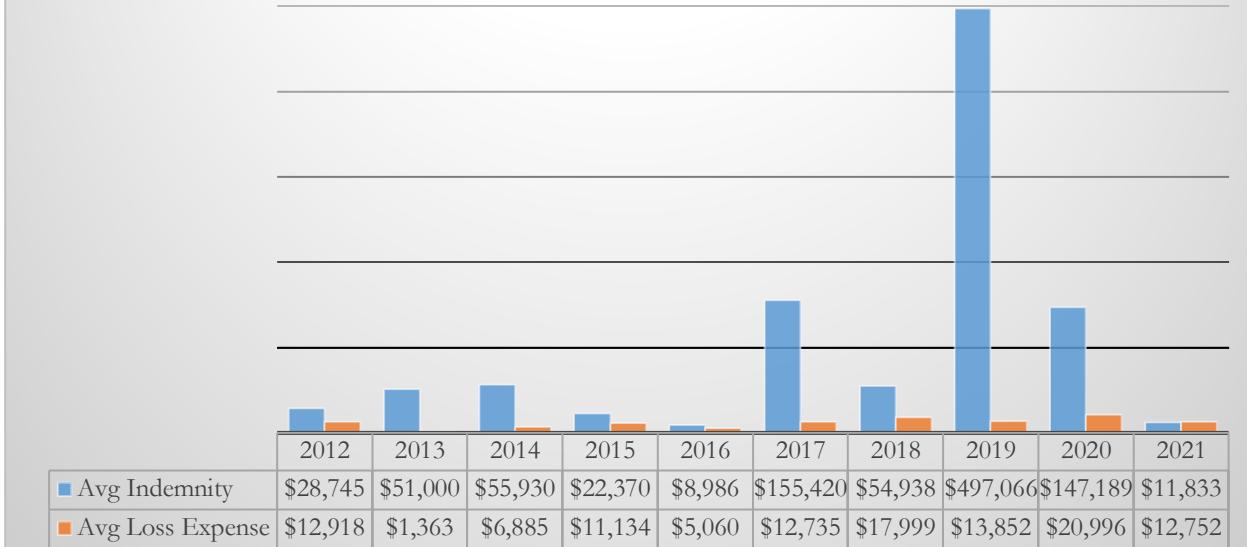
## BI/PD Defendant Average Indemnity & Expense



## BI/PD Defendant Closed Claims



## Collection & Bankruptcy Average Indemnity & Expense

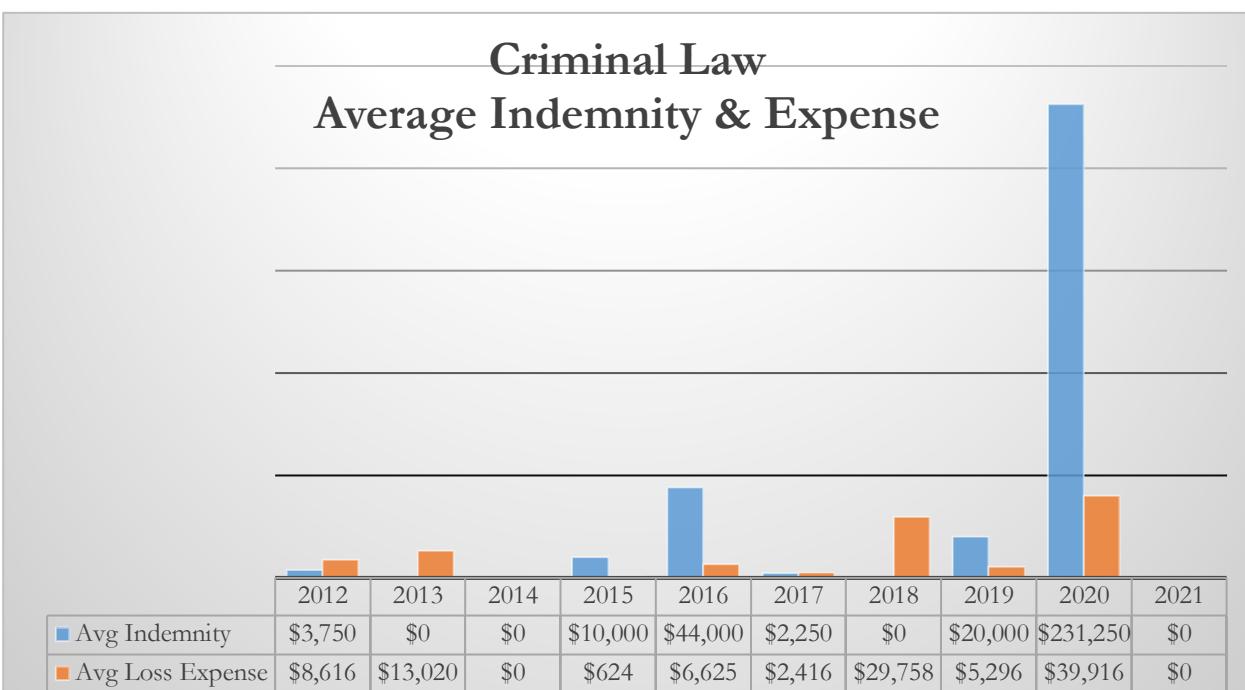


## Collection & Bankruptcy Closed Claims



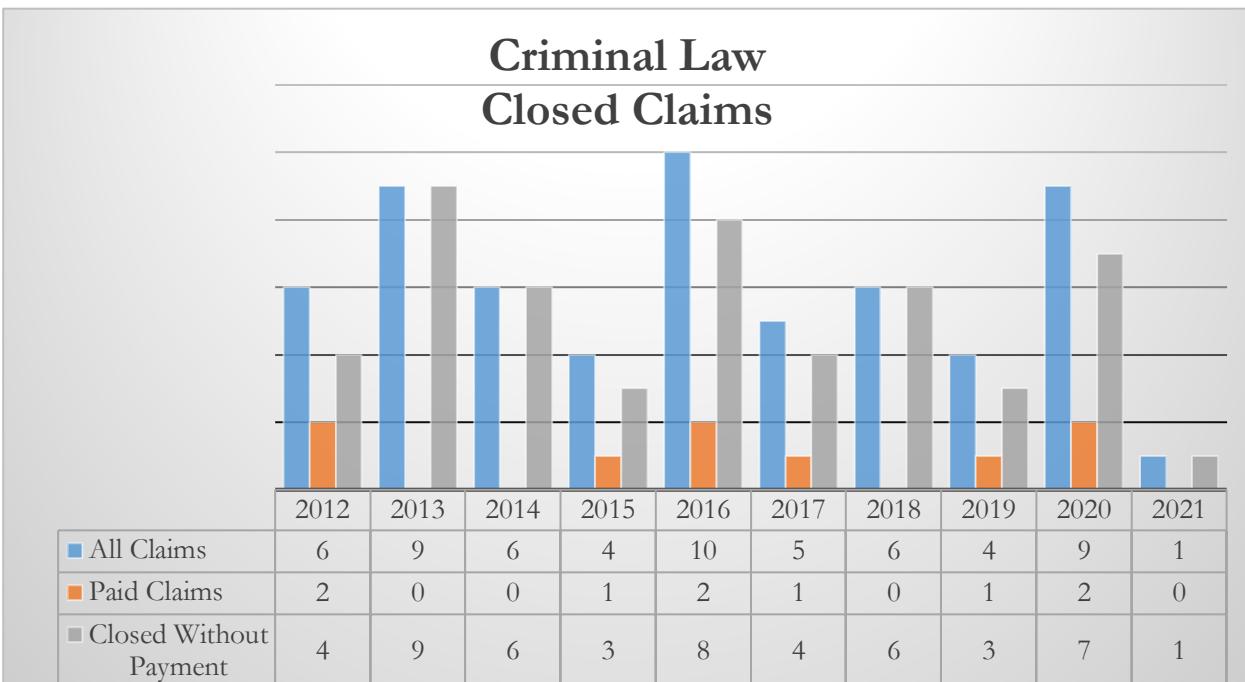
## Criminal Law

### Average Indemnity & Expense



## Criminal Law

### Closed Claims



## Real Estate

### Average Indemnity & Expense



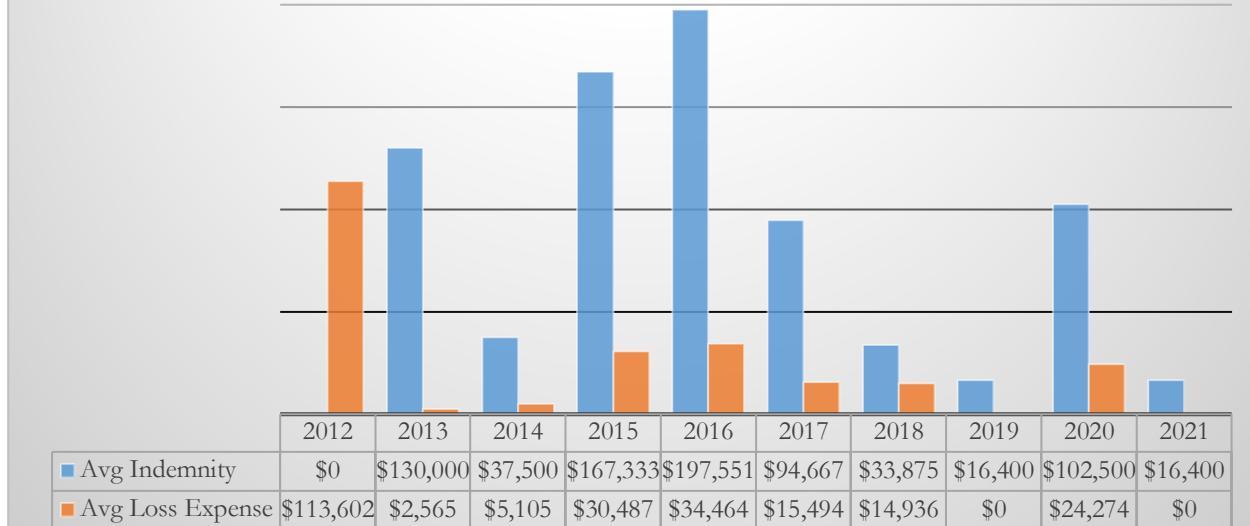
## Real Estate

### Closed Claims



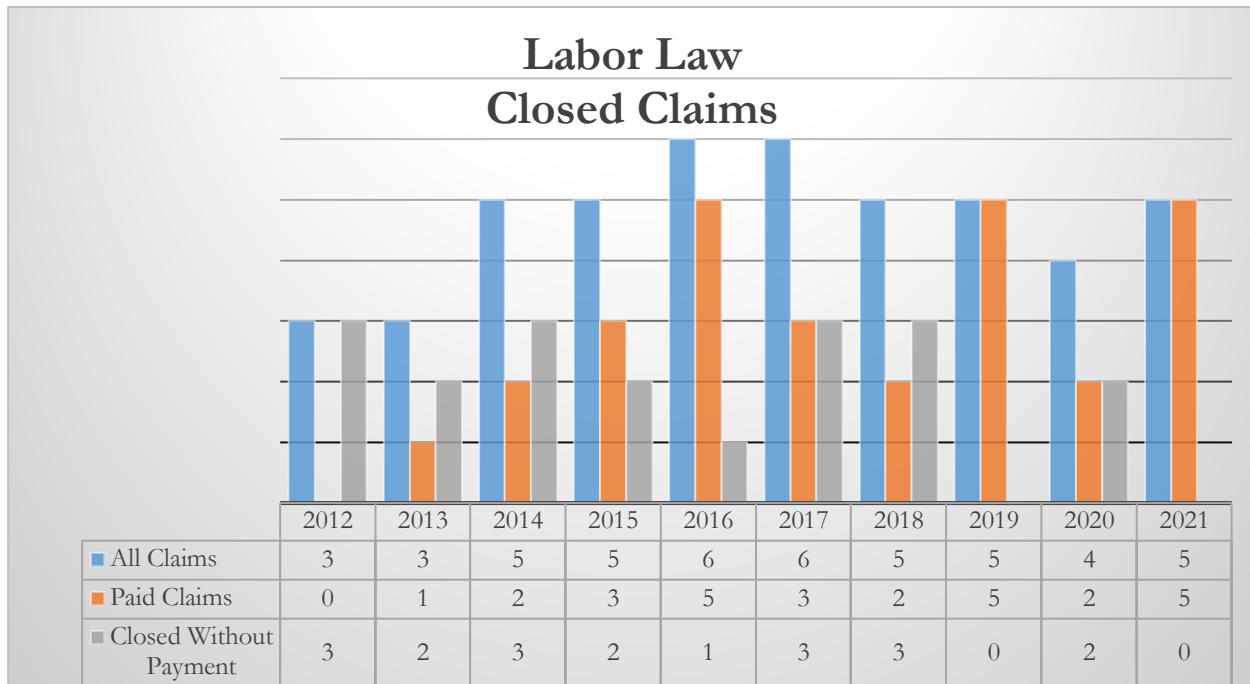
## Labor Law

### Average Indemnity & Expense

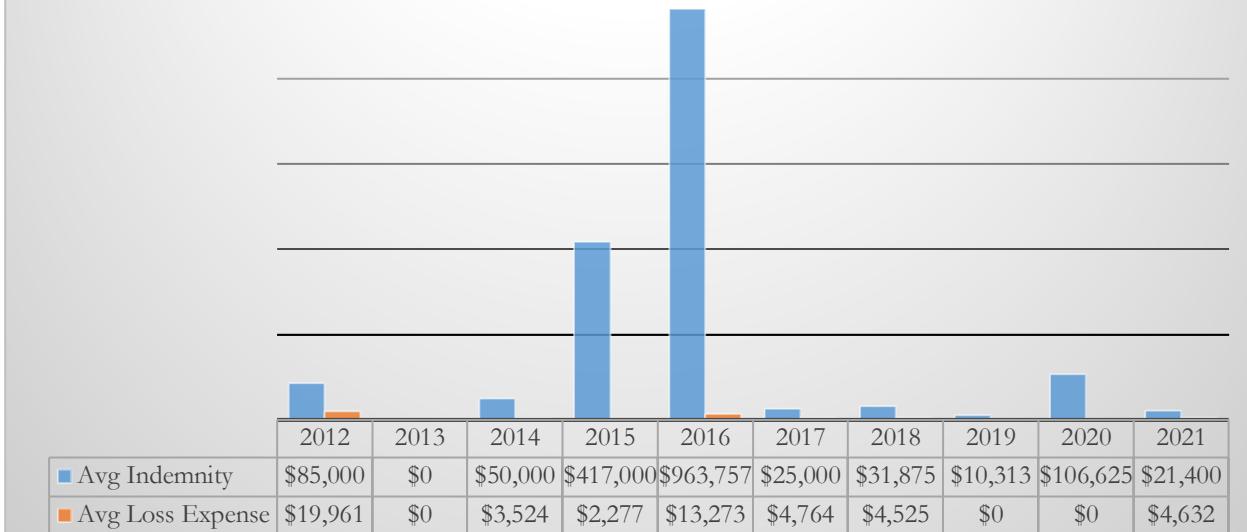


## Labor Law

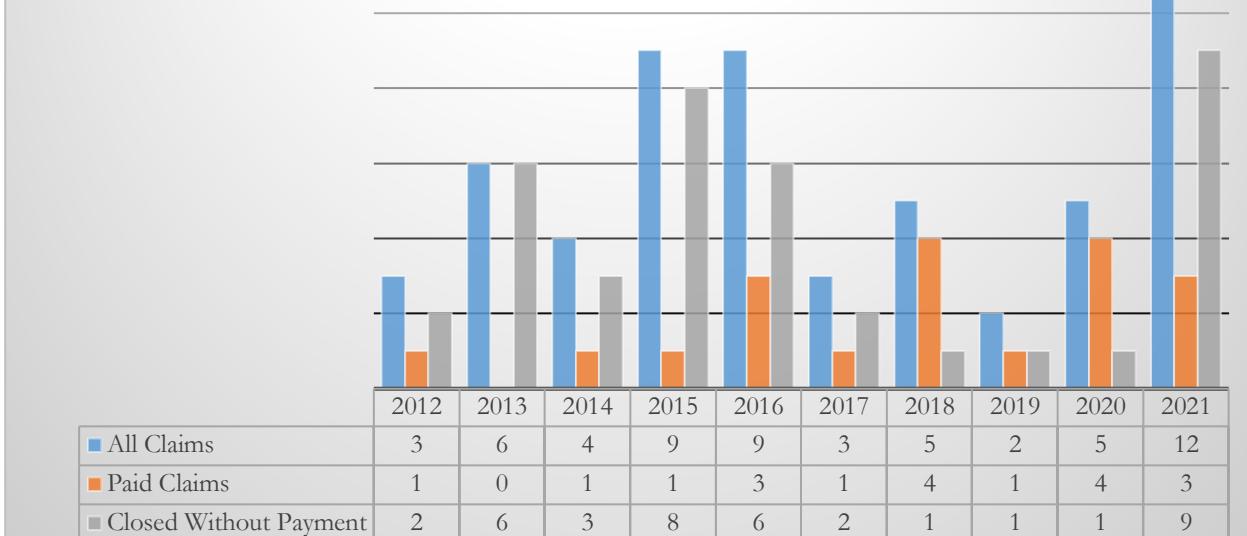
### Closed Claims



## Workers Compensation Average Indemnity & Expense

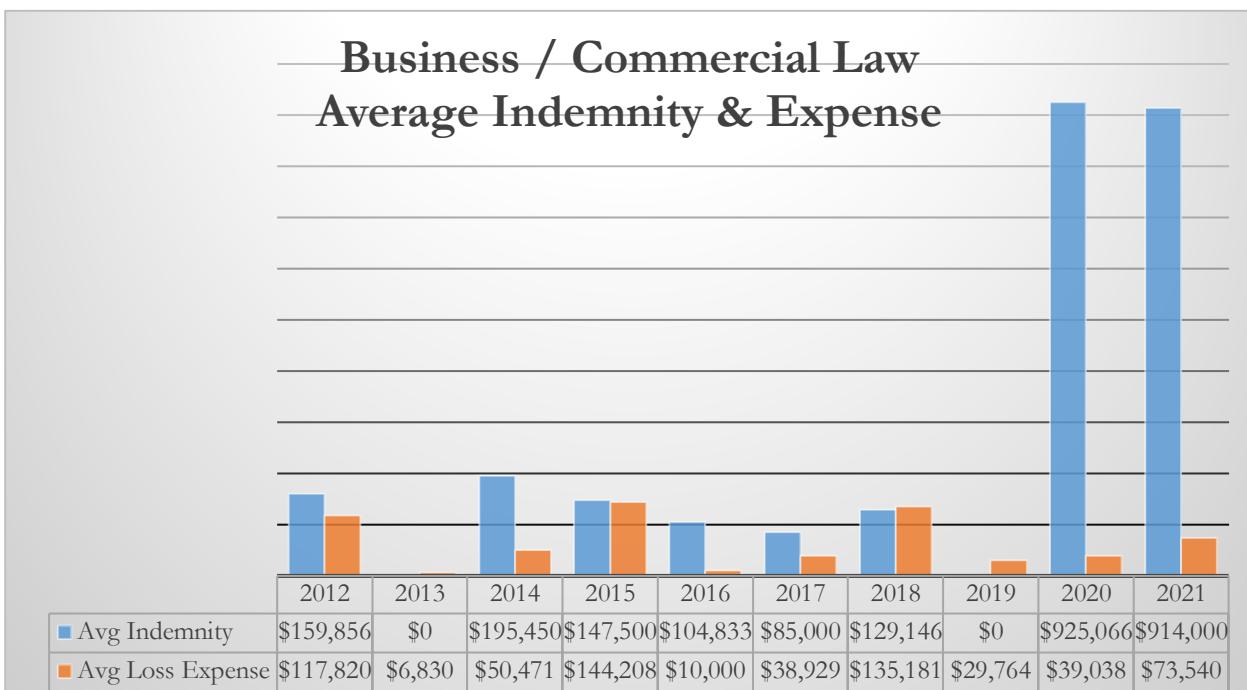


## Workers Compensation Closed Claims



## Business / Commercial Law

### Average Indemnity & Expense



## Business / Commercial Law

### Closed Claims



## **10 Year Summary**

### **By Major Activity**

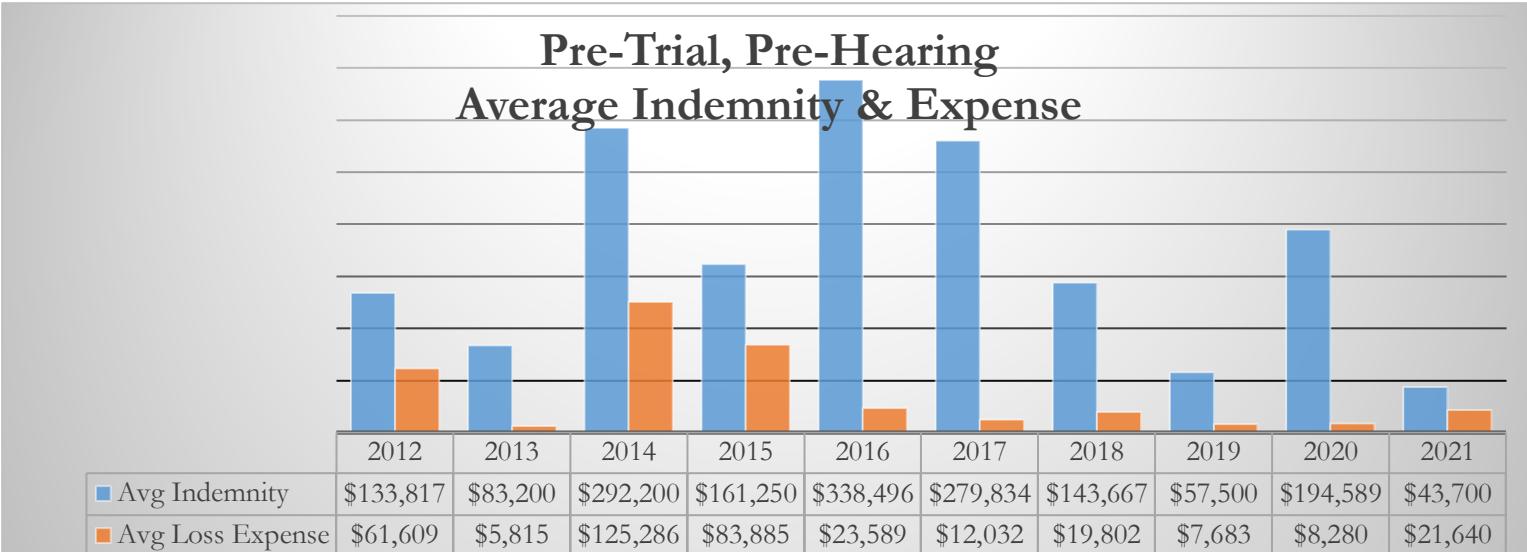
**Legal Process Implicated in Allegation, 2012-2021**

Major Activity	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim		Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
				Average Indemnity	Total Indemnity			
COMMENCEMENT OF ACTION OR PROCEEDING	534	127	27.3%	\$135,067	\$17,153,557.00	22.2%	\$15,641	
OTHER	370	71	15.3%	\$202,755	\$14,395,584	18.6%	\$22,060	
PREPARATION, TRANSMITTAL OR FILING	177	77	16.6%	\$120,768	\$9,299,161	12.0%	\$21,479	
PRE-TRIAL, PRE-HEARING	170	60	12.9%	\$179,897	\$10,793,846	14.0%	\$31,617	
SETTLEMENT AND NEGOTIATION	114	46	9.9%	\$151,001	\$6,946,029	9.0%	\$17,453	
CONSULTATION OR ADVICE	93	25	5.4%	\$164,699	\$4,117,485	5.3%	\$32,564	
INVESTIGATION, OTHER THAN LITIGATION	49	14	3.0%	\$249,552	\$3,493,725	4.5%	\$9,701	
TRIAL OR HEARING	40	16	3.4%	\$358,605	\$5,737,677	7.4%	\$36,877	
OTHER WRITTEN OPINION	33	7	1.5%	\$133,447	\$934,128	1.2%	\$26,826	
APPEAL ACTIVITIES	22	3	0.6%	\$69,167	\$207,500	0.3%	\$13,343	
POST TRIAL OR HEARING	18	7	1.5%	\$379,664	\$2,657,650	3.4%	\$16,632	
TAX REPORTING OR PAYMENT	12	5	1.1%	\$111,734	\$558,669	0.7%	\$67,012	
EX PARTE PROCEEDINGS	9	2	0.4%	\$22,357	\$44,713	0.1%	\$15,638	
REFERRAL TO ANOTHER PROFESSIONAL	7	3	0.6%	\$107,667	\$323,000	0.4%	\$14,362	
TITLE OPINION	2	2	0.4%	\$275,000	\$550,000	0.7%	\$39,466	
<b>TOTAL</b>	<b>1,650</b>	<b>465</b>	<b>100%</b>	<b>\$166,049</b>	<b>\$77,212,724</b>	<b>100%</b>	<b>\$21,371</b>	

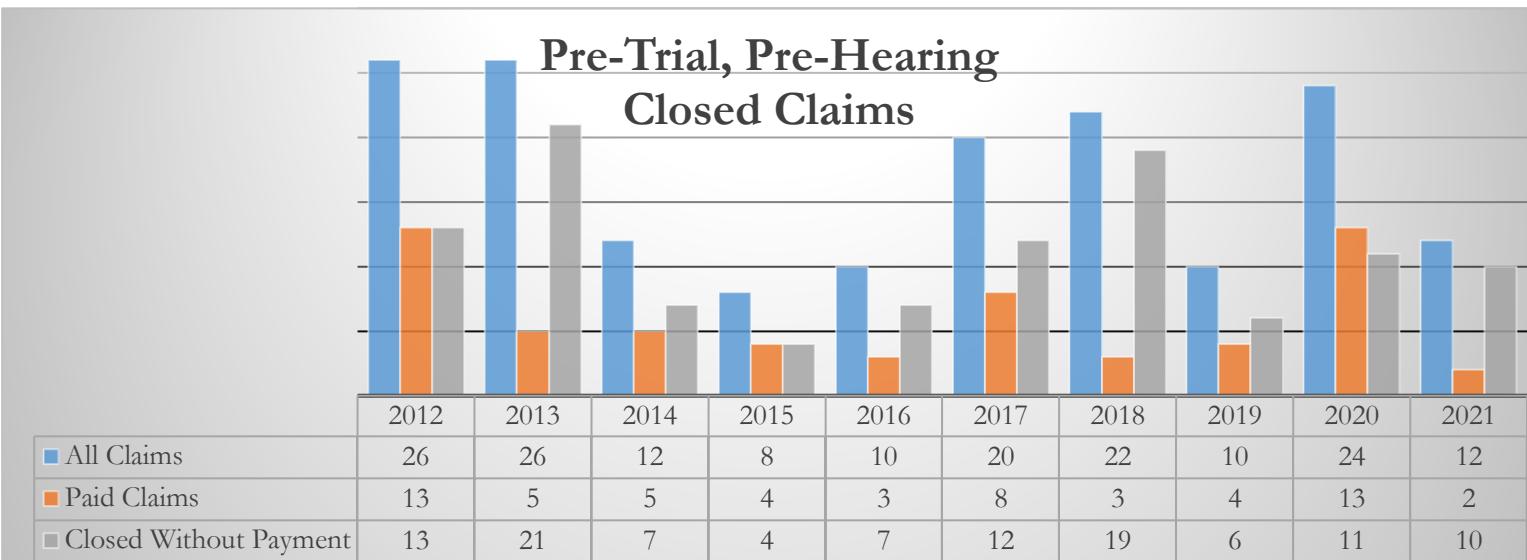
Legal Process Implicated in Action, 2021								Average Loss Expense, All Closed Claims
Major Activity	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity		
COMMENCEMENT OF ACTION OR PROCEEDING	35	14	46.7%	\$67,757	\$948,593.00	23.5%	\$11,669.00	
PREPARATION, TRANSMITTAL OR FILING	16	7	23.3%	\$314,808	\$2,203,657	54.5%	\$32,927	
PRE-TRIAL, PRE-HEARING	12	2	6.7%	\$43,700	\$87,400	2.2%	\$21,640	
OTHER	10	0	0.0%	\$0	\$0	0.0%	\$100	
SETTLEMENT AND NEGOTIATION	10	5	16.7%	\$98,473	\$492,364	12.2%	\$13,500	
CONSULTATION OR ADVICE	9	1	3.3%	\$9,200	\$9,200	0.2%	\$865	
INVESTIGATION, OTHER THAN LITIGATION	6	1	3.3%	\$300,000	\$300,000	7.4%	\$7,681	
APPEAL ACTIVITIES	2	0	0.0%	\$0	\$0	0.0%	\$0	
TRIAL OR HEARING	2	0	0.0%	\$0	\$0	0.0%	\$0	
POST TRIAL OR HEARING	1	0	0.0%	\$0	\$0	0.0%	\$25,000	
TAX REPORTING OR PAYMENT	1	0	0.0%	\$0	\$0	0.0%	\$0	
<b>TOTAL</b>	<b>104</b>	<b>30</b>	<b>100.0%</b>	<b>\$134,707</b>	<b>\$4,041,214</b>	<b>100.0%</b>	<b>\$13,556</b>	

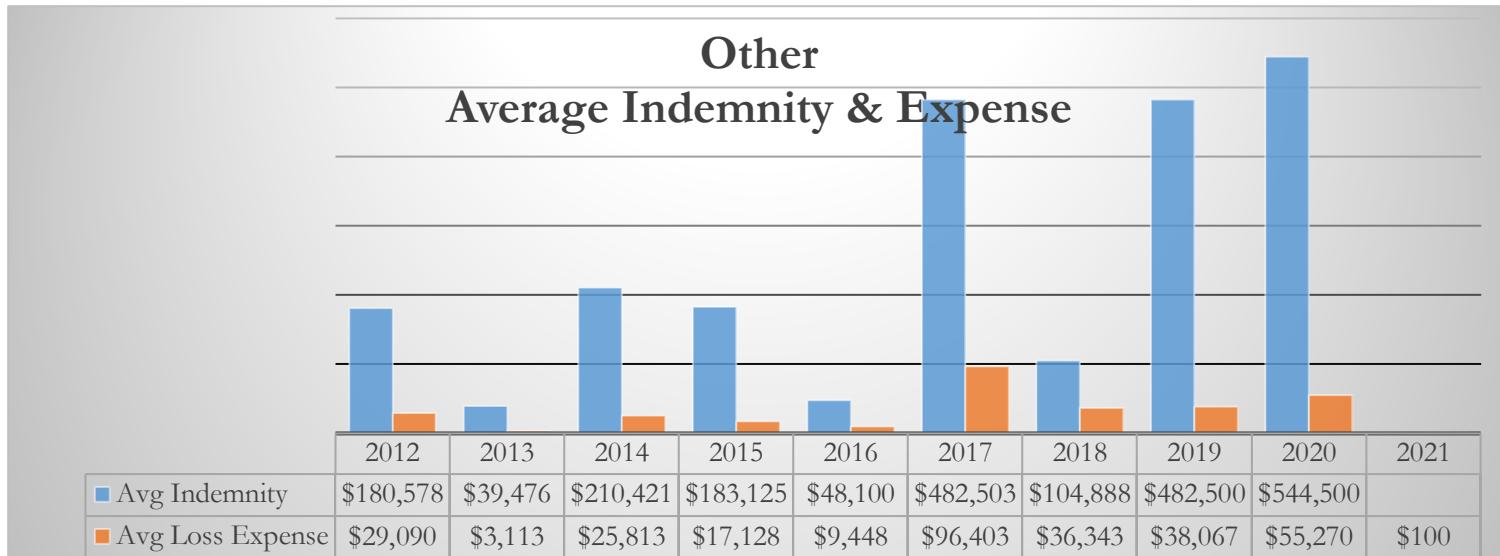
**Top 10 Areas of Activity Implicated  
In Legal Malpractice Claims  
Prior 10 Years**

## Pre-Trial, Pre-Hearing Average Indemnity & Expense



## Pre-Trial, Pre-Hearing Closed Claims





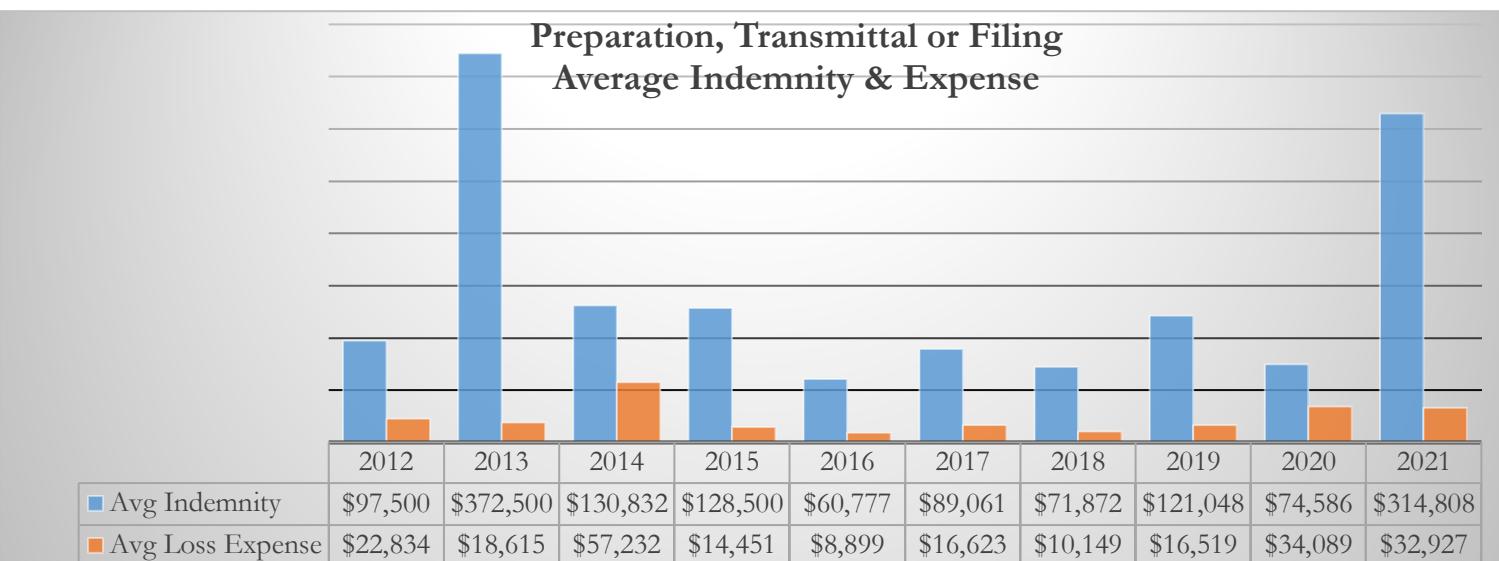
## Settlement / Negotiation Average Indemnity & Expense

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Avg Indemnity	\$68,000	\$26,785	\$282,877	\$37,500	\$119,143	\$19,125	\$58,287	\$931,625	\$51,346	\$98,473
Avg Loss Expense	\$20,280	\$64,926	\$4,024	\$6,799	\$23,152	\$11,636	\$4,247	\$53,811	\$15,014	\$13,500

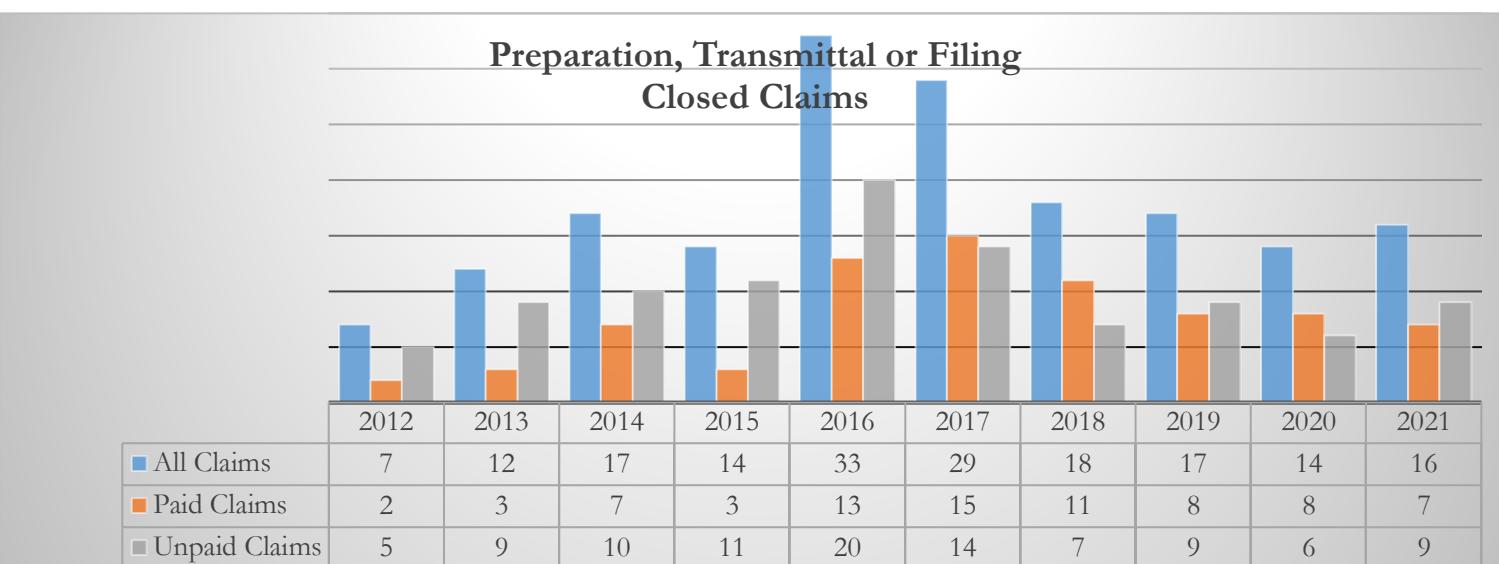
## Settlement / Negotiation Closed Claims

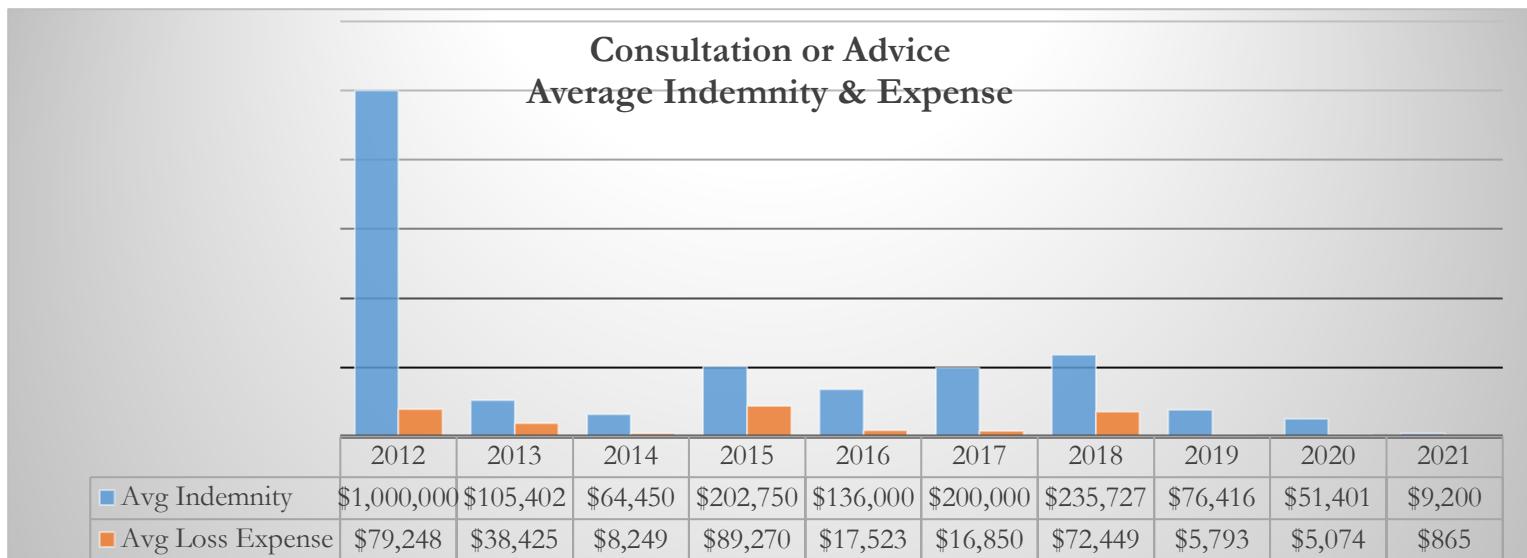
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
All Claims	9	8	6	15	11	16	18	5	16	10
Paid Claims	3	1	2	4	7	4	7	4	9	5
Unpaid Claims	6	7	4	11	4	12	11	1	7	5

**Preparation, Transmittal or Filing  
Average Indemnity & Expense**



**Preparation, Transmittal or Filing  
Closed Claims**





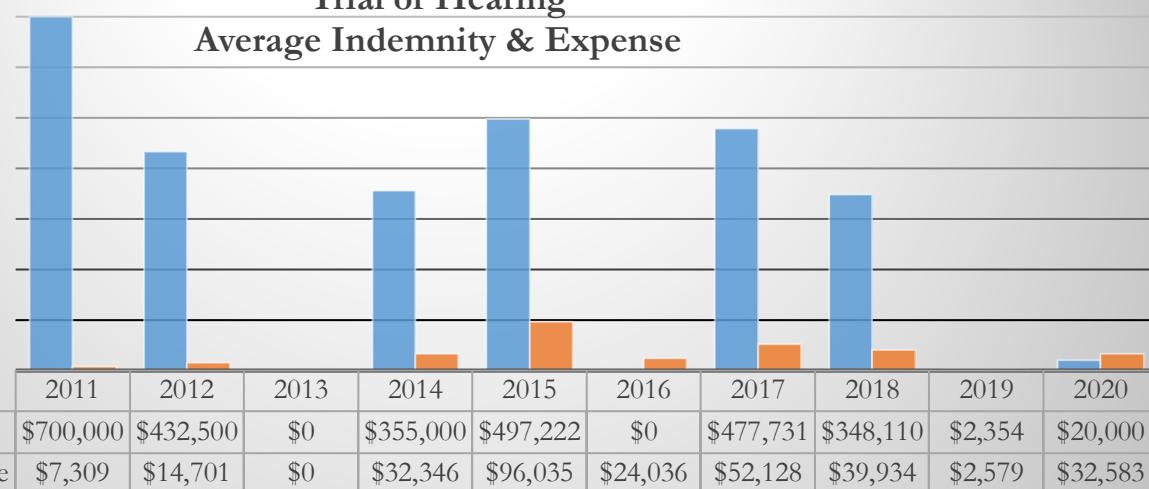
**Investigation other than Litigation**  
**Average Indemnity & Expense**



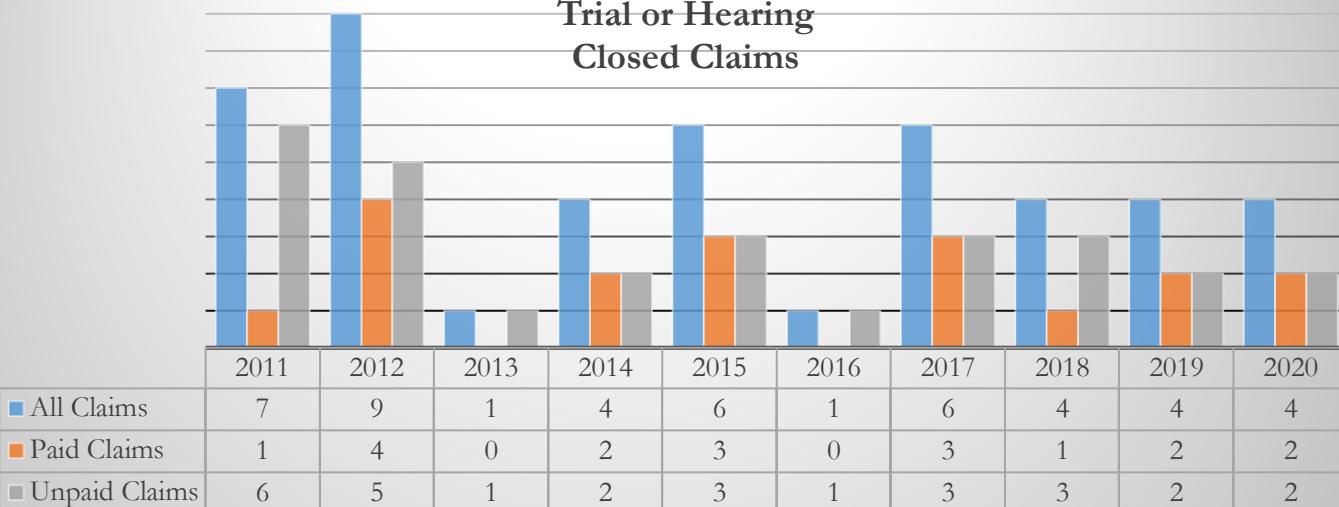
**Investigation other than Litigation**  
**Closed Claims**



**Trial or Hearing**  
**Average Indemnity & Expense**



**Trial or Hearing**  
**Closed Claims**



### Appeals Activity

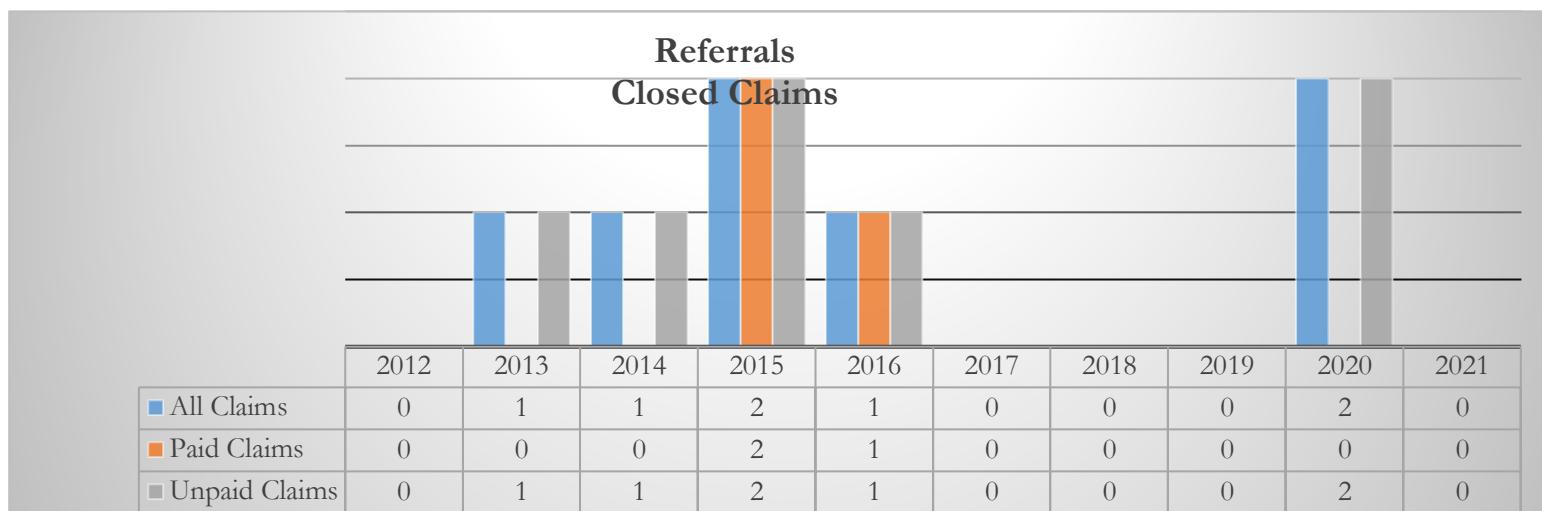
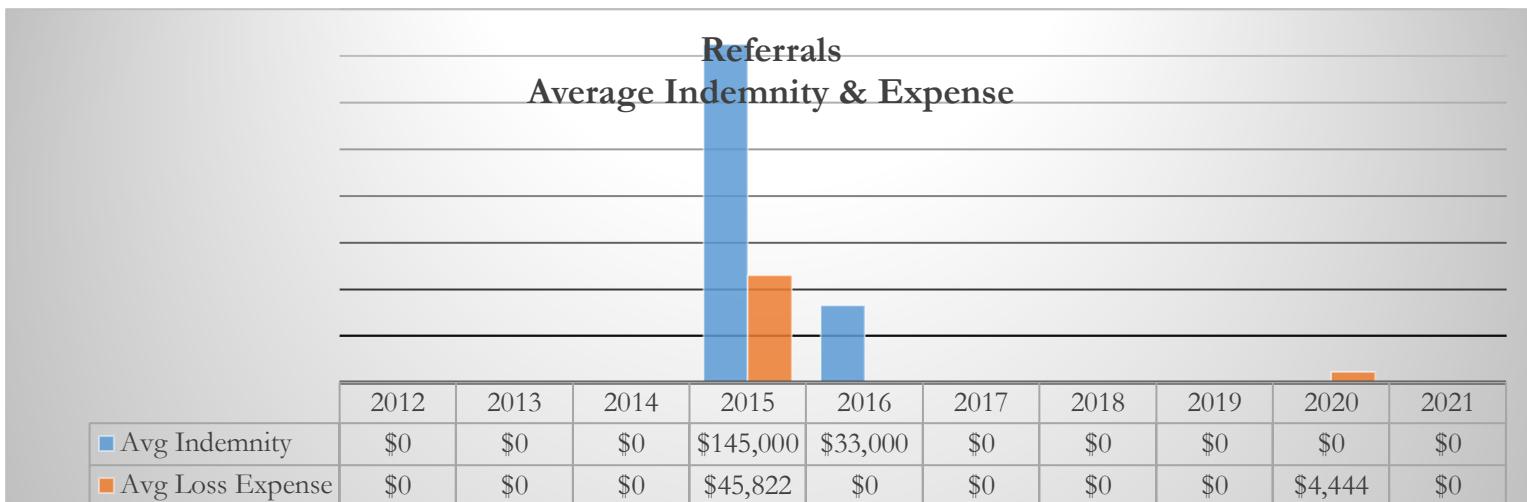
#### Average Indemnity & Expense

	2012	2013	2015	2016	2017	2018	2019	2020	2021	
Avg Indemnity	\$0	\$0	\$0	\$0	\$78,750	\$0	\$50,000	\$0	\$0	
Avg Loss Expense	\$268,563	\$0	\$666	\$0	\$0	\$0	\$5,088	\$3,856	\$0	

### Appeals Activity

#### Closed Claims

	2012	2013	2015	2016	2017	2018	2019	2020	2021	
All Claims	1	3	3	3	4	1	3	2	2	
Paid Claims	0	0	0	0	2	0	1	0	0	
unpaid	1	3	3	3	4	1	3	2	2	



**10 Year Summary of Claims Activity**  
**By Alleged Error or Omission**

Indemnity Analysis, 2012-2021								Average Loss Expense, All Closed Claims
Alleged Error or Omission	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity		
OTHER	369	41	8.8%	\$152,906	\$6,269,129	8%		\$13,633.55
PLANNING OR STRATEGY ERROR	173	52	11.2%	\$228,608	\$11,887,618	15%		\$23,088.70
FAIL TO ASCERTAIN DEADLINE CORRECTLY	168	55	11.8%	\$177,994	\$9,789,689	13%		\$8,017.96
FAIL TO KNOW OR PROPERLY APPLY THE LAW	161	56	12.0%	\$152,226	\$8,524,680	11%		\$25,755.76
INADEQUATE INVESTIGATION	108	41	8.8%	\$195,208	\$8,003,516	10%		\$35,546.56
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	75	18	3.9%	\$61,907	\$1,114,333	1%		\$24,387.29
PROCRASTINATION OR LACK OF FOLLOW-UP	75	26	5.6%	\$191,375	\$4,975,747	6%		\$9,464.93
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	73	21	4.5%	\$185,890	\$3,903,683	5%		\$21,352.95
FRAUD	70	16	3.4%	\$124,848	\$1,997,563	3%		\$47,885.09
CONFLICT OF INTEREST	62	25	5.4%	\$259,402	\$6,485,051	8%		\$77,861.13
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	62	27	5.8%	\$50,326	\$1,358,810	2%		\$18,152.73
FAILURE TO CALENDAR PROPERLY	60	34	7.3%	\$109,897	\$3,736,508	5%		\$10,419.08
FAIL TO OBTAIN CLIENTS CONSENT	40	14	3.0%	\$365,904	\$5,122,661	7%		\$34,813.48
CLERICAL ERROR	31	13	2.8%	\$75,195	\$977,541	1%		\$6,482.03
FAILURE TO REACT TO CALENDAR	29	7	1.5%	\$105,759	\$740,313	1%		\$3,874.52
VIOLATION OF CIVIL RIGHTS	28	3	0.6%	\$73,533	\$220,600	0%		\$9,777.11
IMPROPER WITHDRAWAL FROM REPRESENTATION	18	2	0.4%	\$23,750	\$47,500	0%		\$3,842.22
LIBEL OR SLANDER	16	2	0.4%	\$35,000	\$70,000	0%		\$11,611.38
ERROR IN MATHEMATICAL CALCULATION	13	7	1.5%	\$43,102	\$301,713	0%		\$13,504.08
FAIL TO ANTICIPATE TAX CONSEQUENCES	13	4	0.9%	\$372,767	\$1,491,069	2%		\$32,995.54
ERROR IN PUBLIC RECORD SEARCH	3				\$0	0%		\$0.00
LOST FILE, DOCUMENT OR EVIDENCE	3	1	0.2%	\$195,000	\$195,000	0%		\$12,477.33
<b>TOTAL</b>	<b>1,650</b>	<b>465</b>	<b>100.0%</b>	<b>\$166,049</b>	<b>\$77,212,724</b>	<b>100%</b>		<b>\$21,370.89</b>

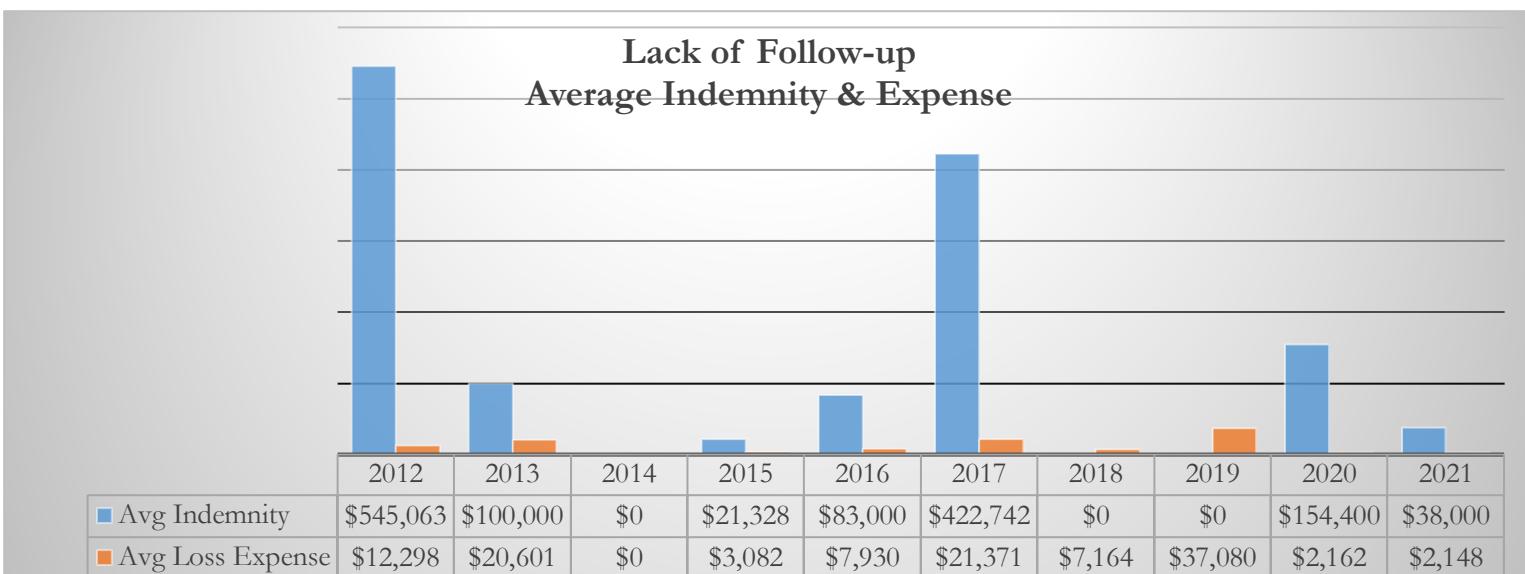
### Allegation Category, 2021

Alleged Error or Omission	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Average Loss Expense, All Closed Claims	
						Percent of Total Indemnity	Average Loss Expense, All Closed Claims
OTHER	13	1	3.3%	\$180,000	\$180,000	4.5%	\$9,470
PLANNING OR STRATEGY ERROR	11	3	10.0%	\$105,667	\$317,000	7.8%	\$10,874
INADEQUATE INVESTIGATION	10	6	20.0%	\$395,833	\$2,375,000	58.8%	\$31,819
FAIL TO KNOW OR PROPERLY APPLY THE LAW	9	4	13.3%	\$102,091	\$408,364	10.1%	\$27,639
FRAUD	8	0	0.0%	\$0	\$0	0.0%	\$15,039
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	7	5	16.7%	\$38,840	\$194,201	4.8%	\$36,142
PROCRASTINATION OR LACK OF FOLLOW-UP	7	2	6.7%	\$38,000	\$76,000	1.9%	\$2,148
FAIL TO ASCERTAIN DEADLINE CORRECTLY	6	2	6.7%	\$80,033	\$160,065	4.0%	\$4,156
FAILURE TO CALENDAR PROPERLY	6	3	10.0%	\$35,917	\$107,750	2.7%	\$2,589
FAILURE TO REACT TO CALENDAR	5	0	0.0%	\$0	\$0	0.0%	\$0
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	5	0	0.0%	\$0	\$0	0.0%	\$0
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	4	0	0.0%	\$0	\$0	0.0%	\$2,768
CLERICAL ERROR	3	2	6.7%	\$67,717	\$135,434	3.4%	\$0
LIBEL OR SLANDER	3	0	0.0%	\$0	\$0	0.0%	\$18,163
FAIL TO OBTAIN CLIENTS CONSENT	2	1	3.3%	\$75,000	\$75,000	1.9%	\$47,763
VIOLATION OF CIVIL RIGHTS	2	0	0.0%	\$0	\$0	0.0%	\$0
CONFLICT OF INTEREST	1	0	0.0%	\$0	\$0	0.0%	\$245
FAIL TO ANTICIPATE TAX CONSEQUENCES	1	1	3.3%	\$12,400	\$12,400	0.3%	\$10,000
IMPROPER WITHDRAWAL FROM REPRESENTATION	1	0	0.0%	\$0	\$0	0.0%	\$0
<b>TOTAL</b>	<b>104</b>	<b>30</b>	<b>100.0%</b>	<b>\$134,707</b>	<b>\$4,041,214</b>	<b>100.0%</b>	<b>\$13,556</b>

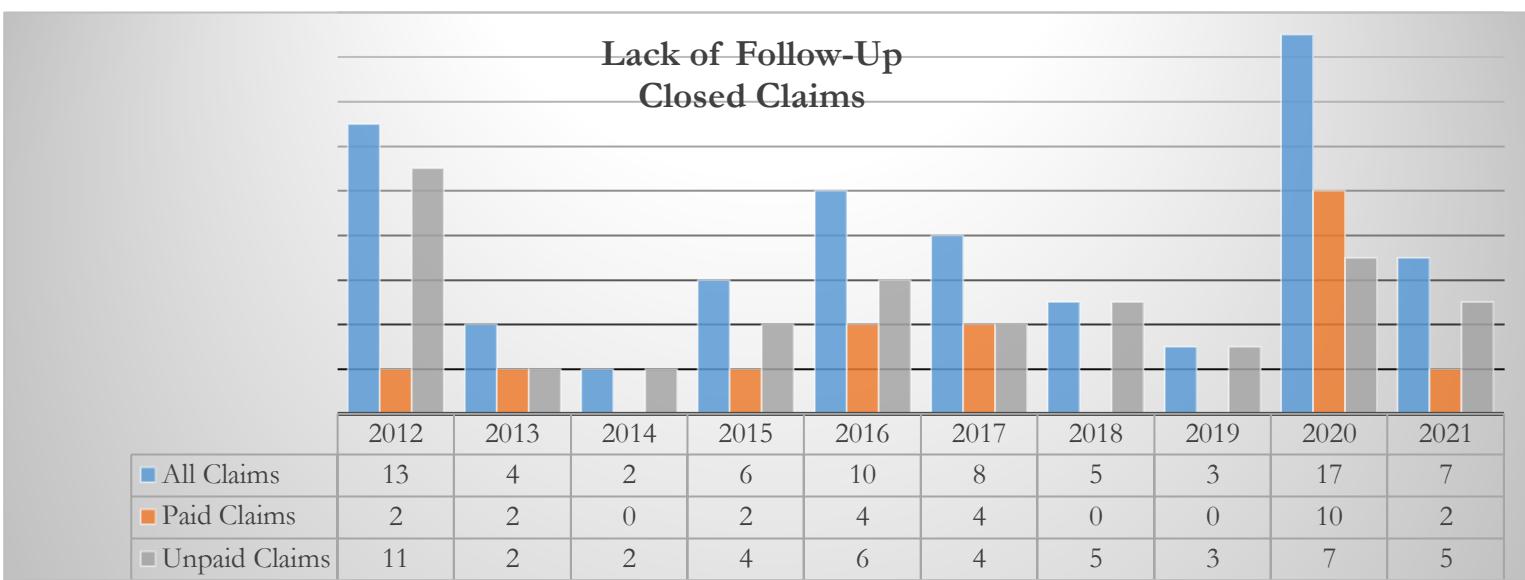
## **Top Ten Alleged Errors or Omission**

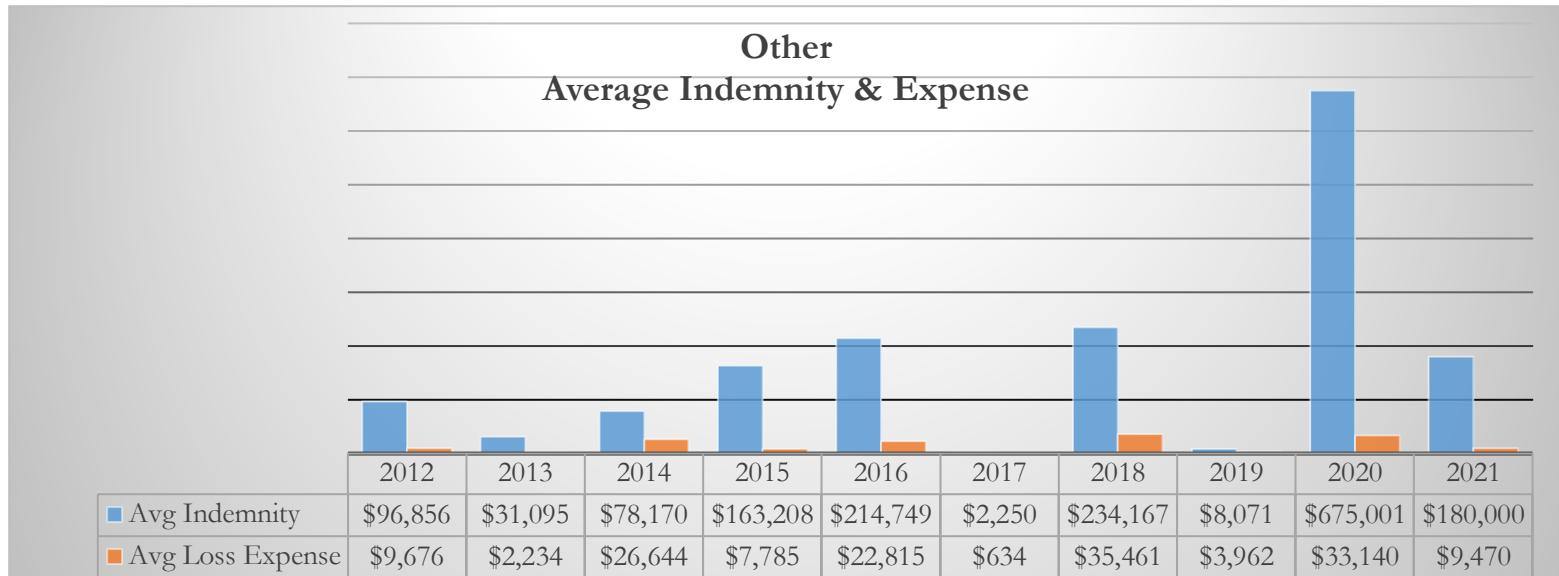
### **Prior Ten Years**

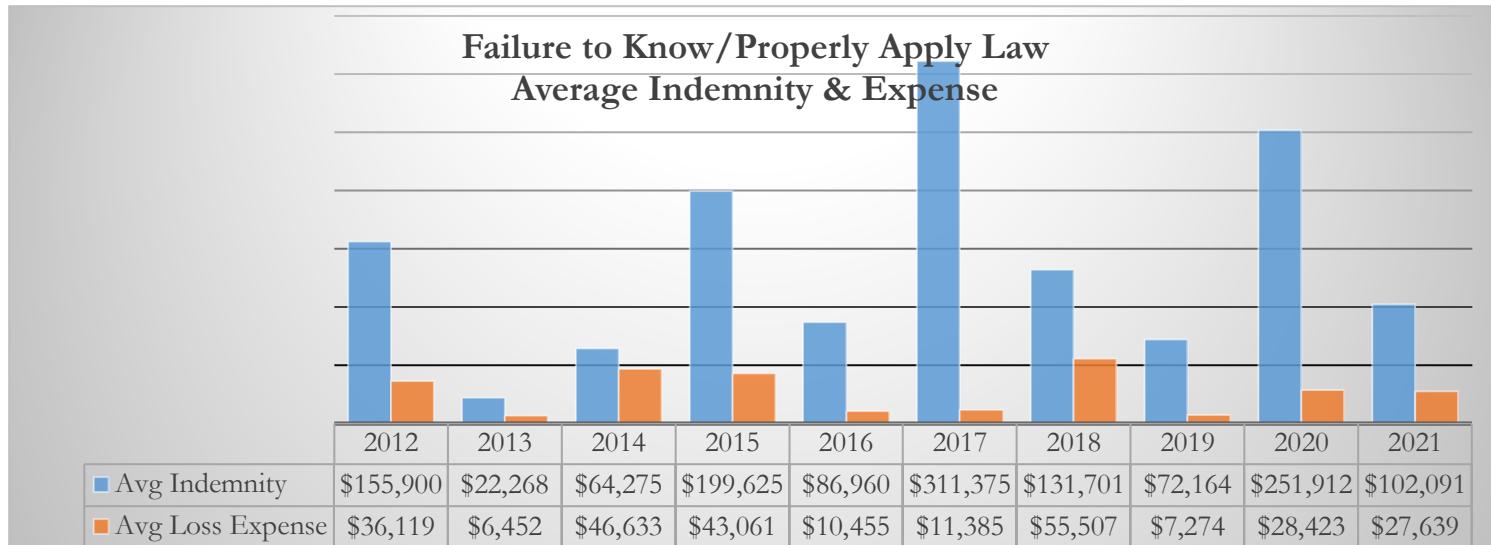
### Lack of Follow-up Average Indemnity & Expense

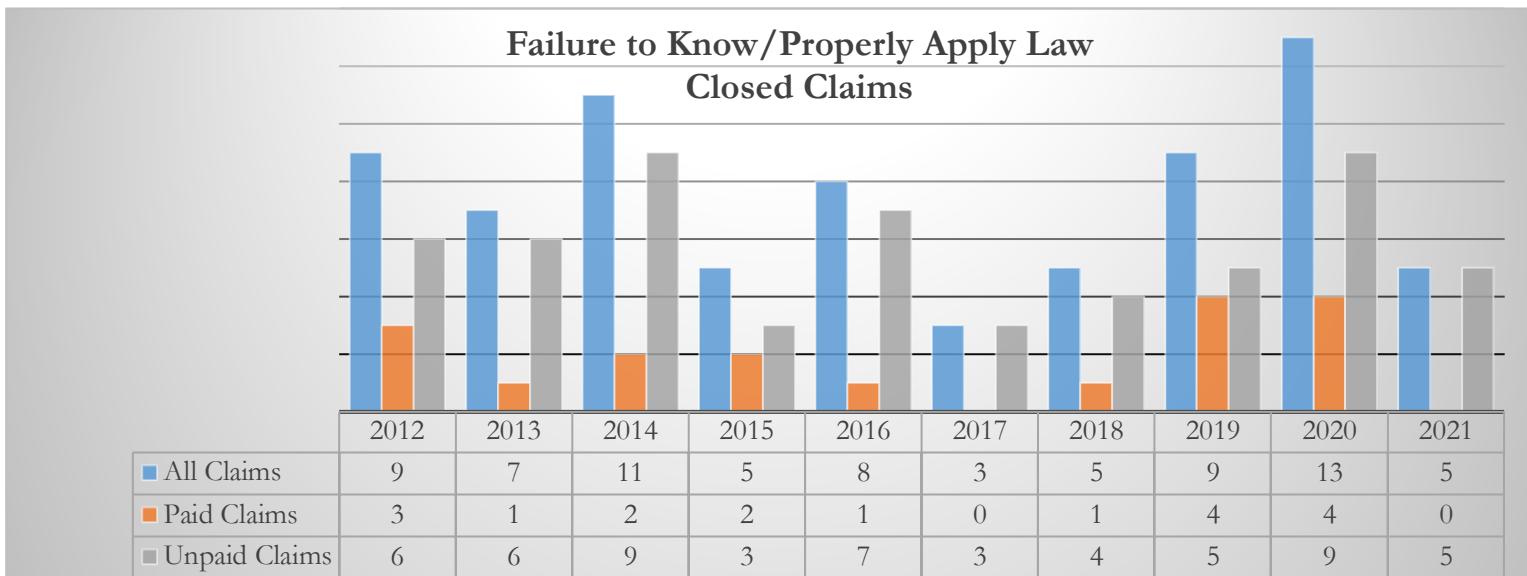
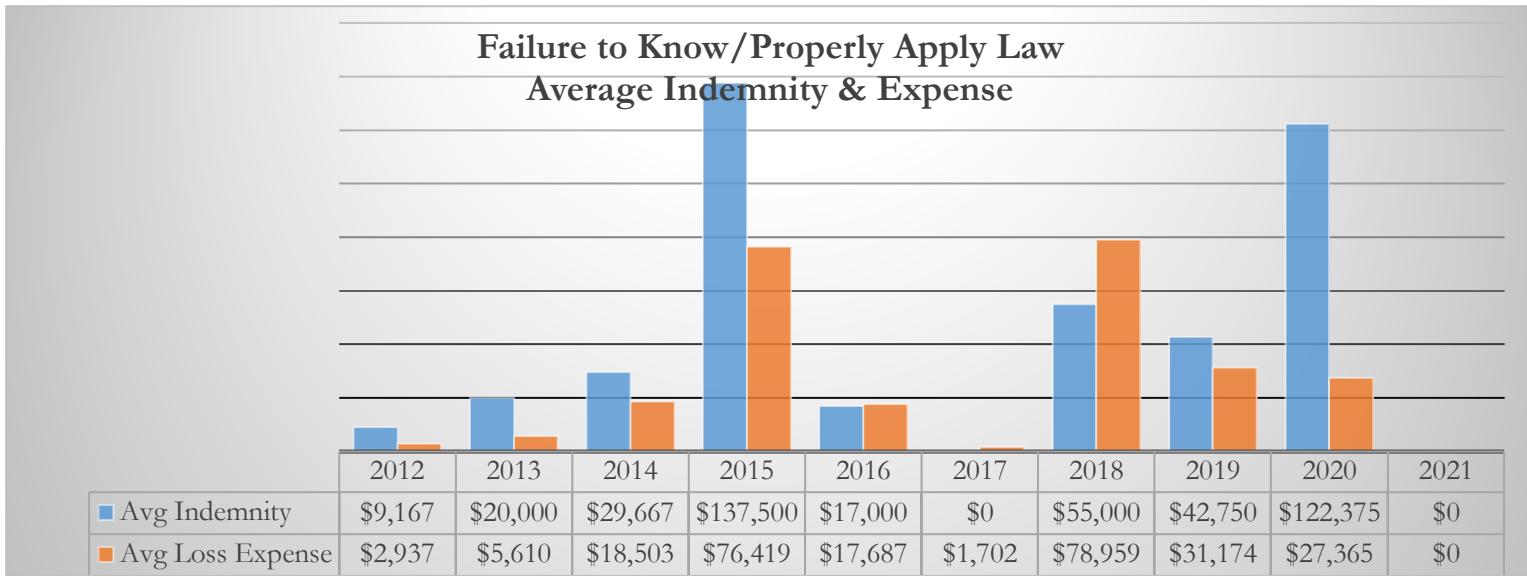


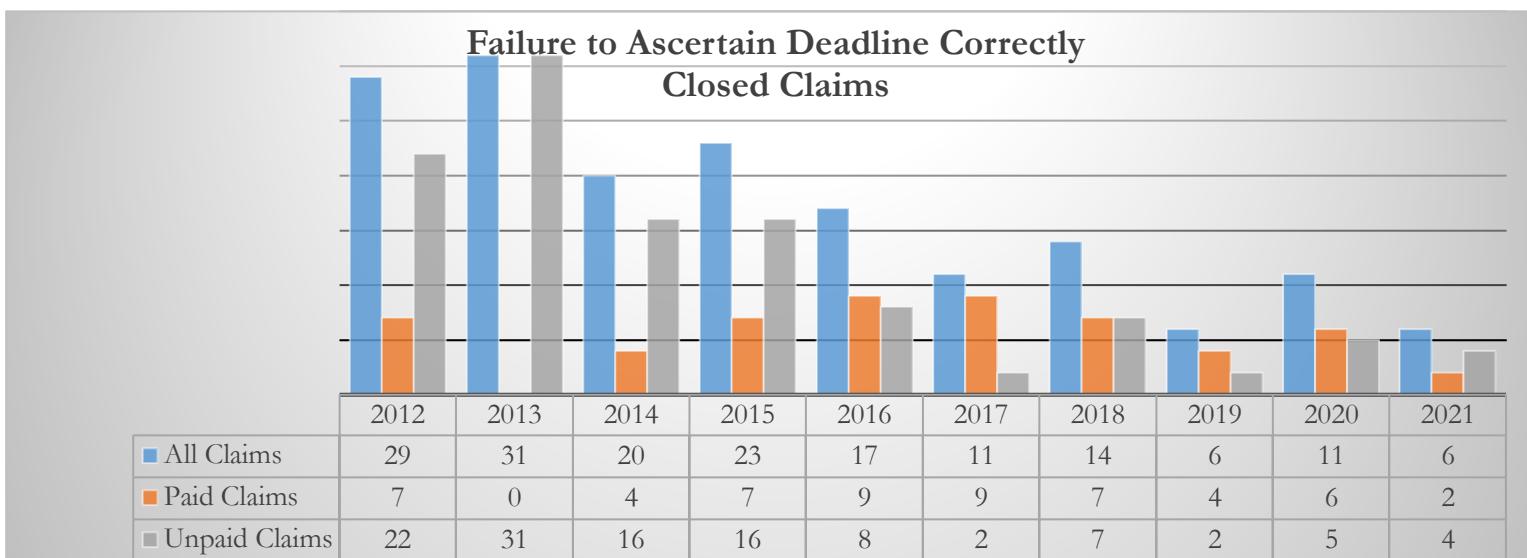
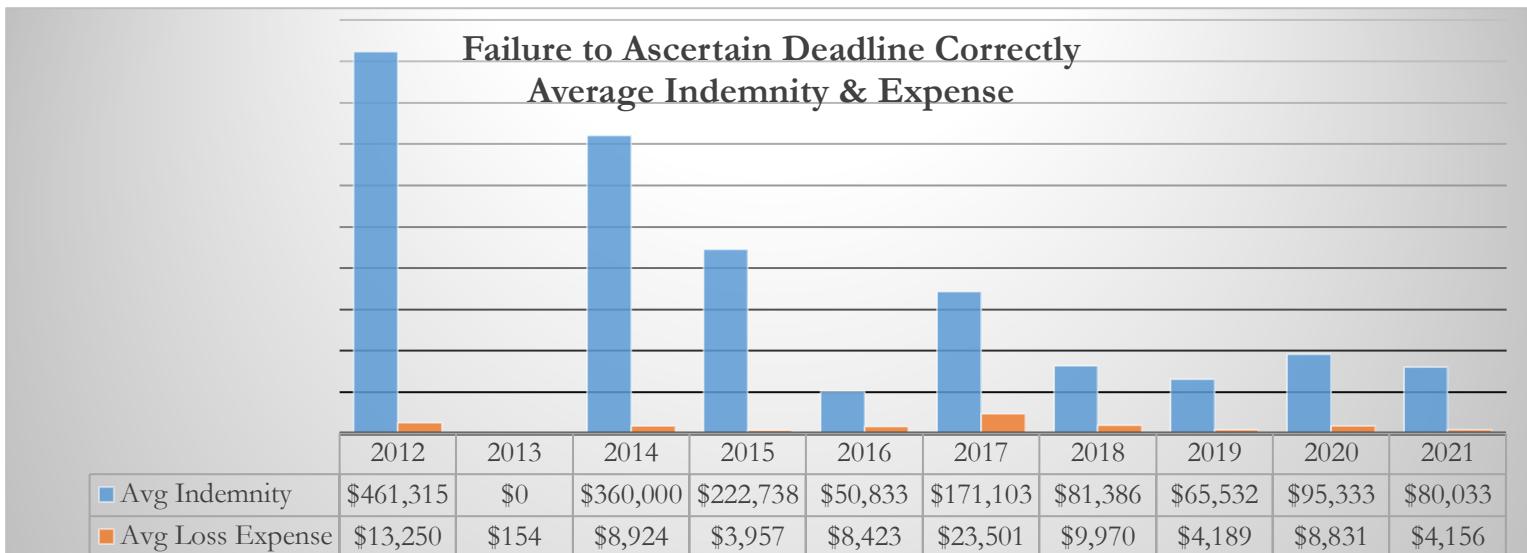
### Lack of Follow-Up Closed Claims











**Planning or Strategy Error**  
**Average Indemnity & Expense**



**Planning or Strategy Error**  
**Closed Claims**

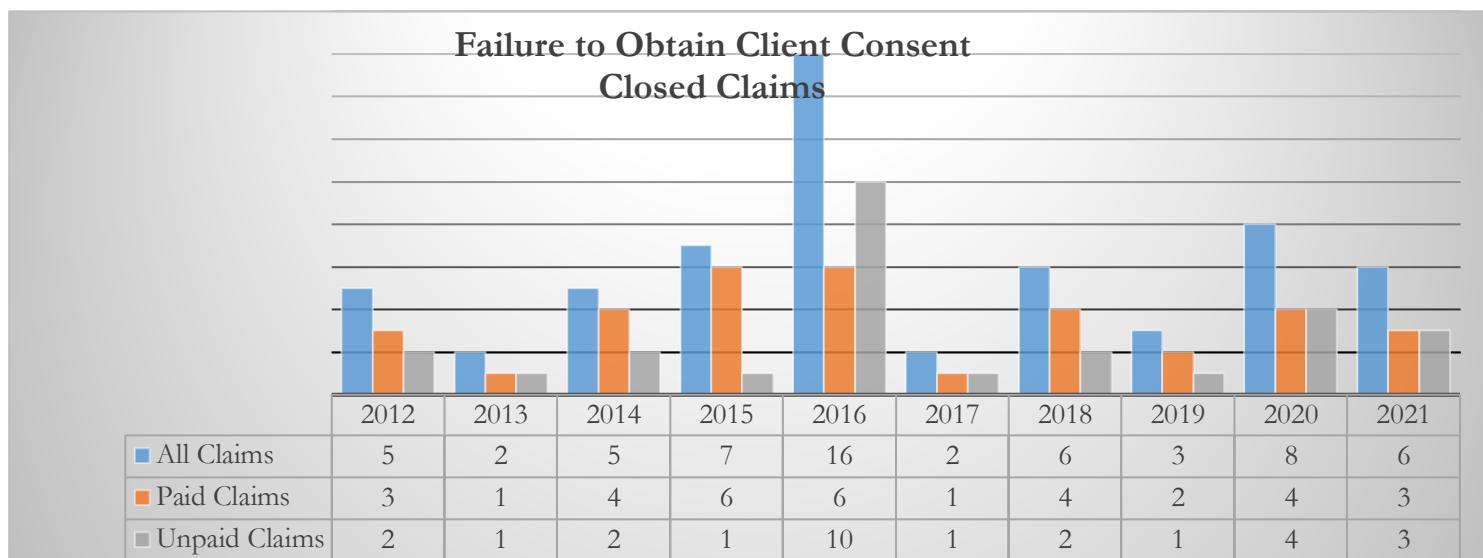
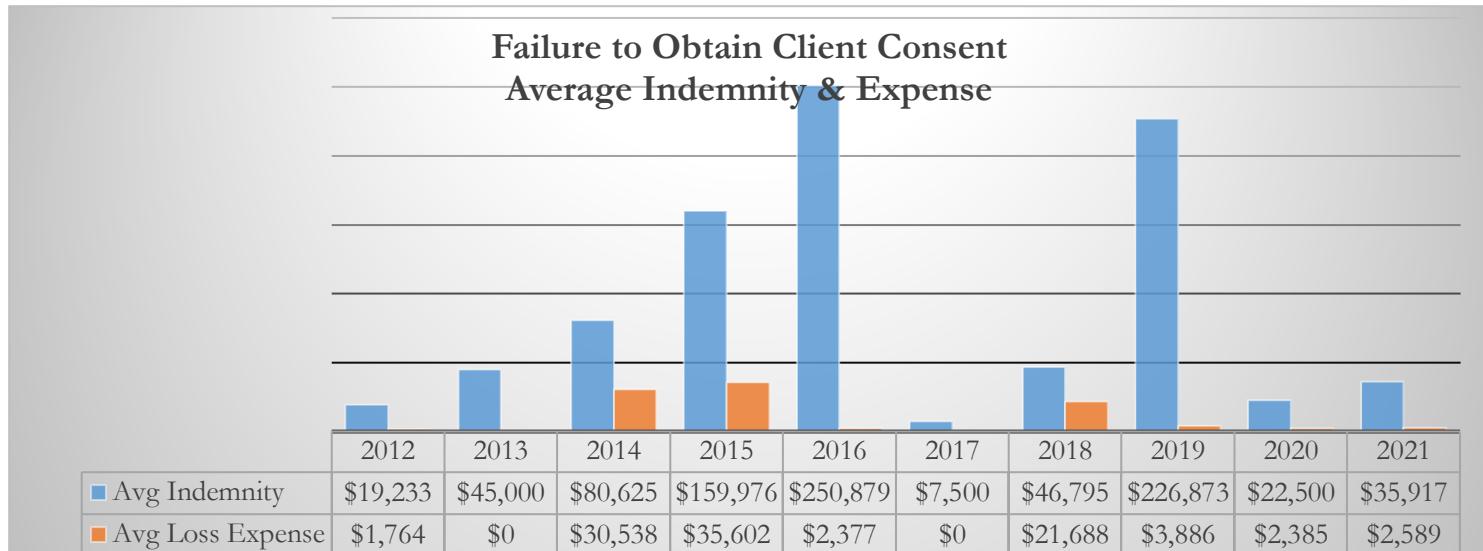


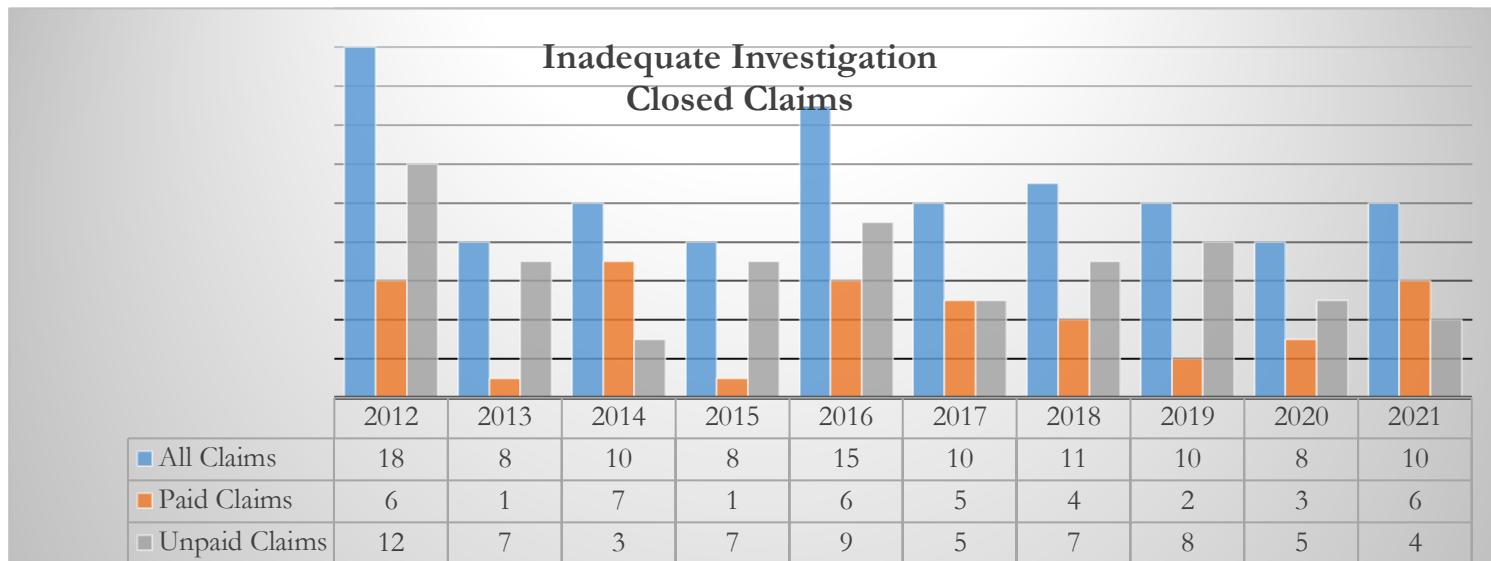
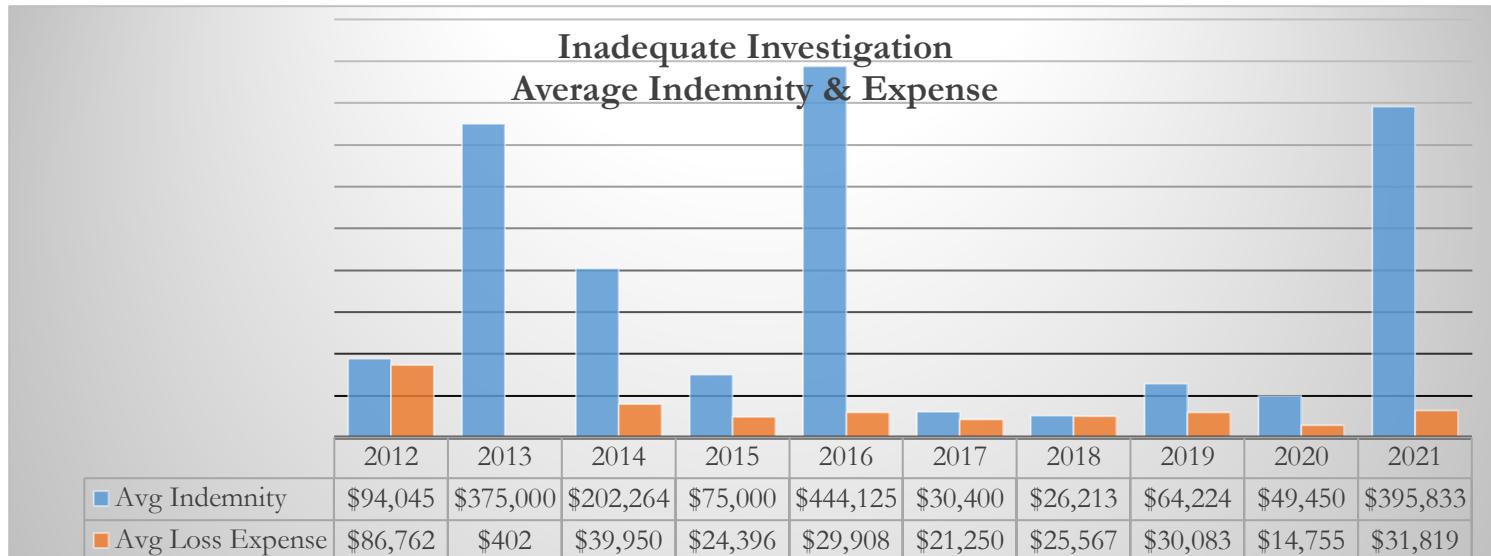
**Failure to Obtain Client Consent**  
**Average Indemnity & Expense**

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Avg Indemnity	\$30,000	\$0	\$0	\$350,000	\$50,000	\$2,000,000	\$460,161	\$0	\$303,929	\$75,000
Avg Loss Expense	\$4,603	\$4,305	\$5,837	\$10,555	\$18,953	\$25,142	\$21,671	\$456	\$115,556	\$47,763

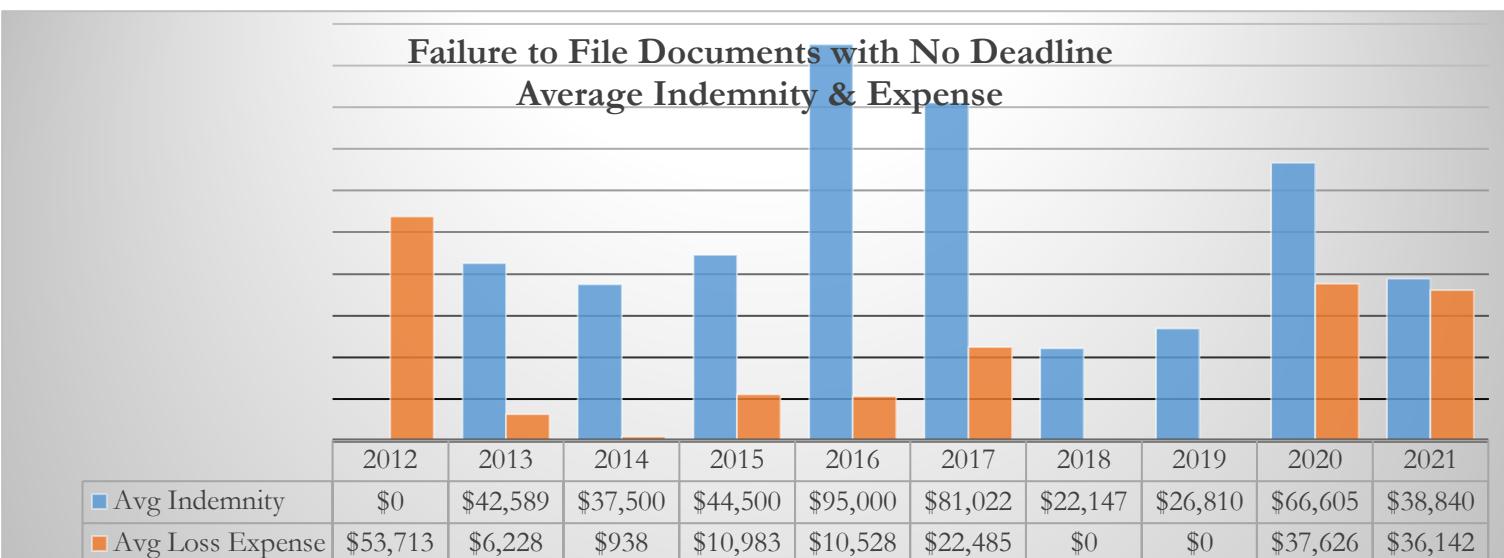
**Failure to Obtain Client Consent**  
**Closed Claims**

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
All Claims	5	5	1	5	2	4	6	2	8	2
All Claims	2	0	0	1	1	1	1	0	7	1
Unpaid Claims	3	5	1	4	1	3	5	2	1	1

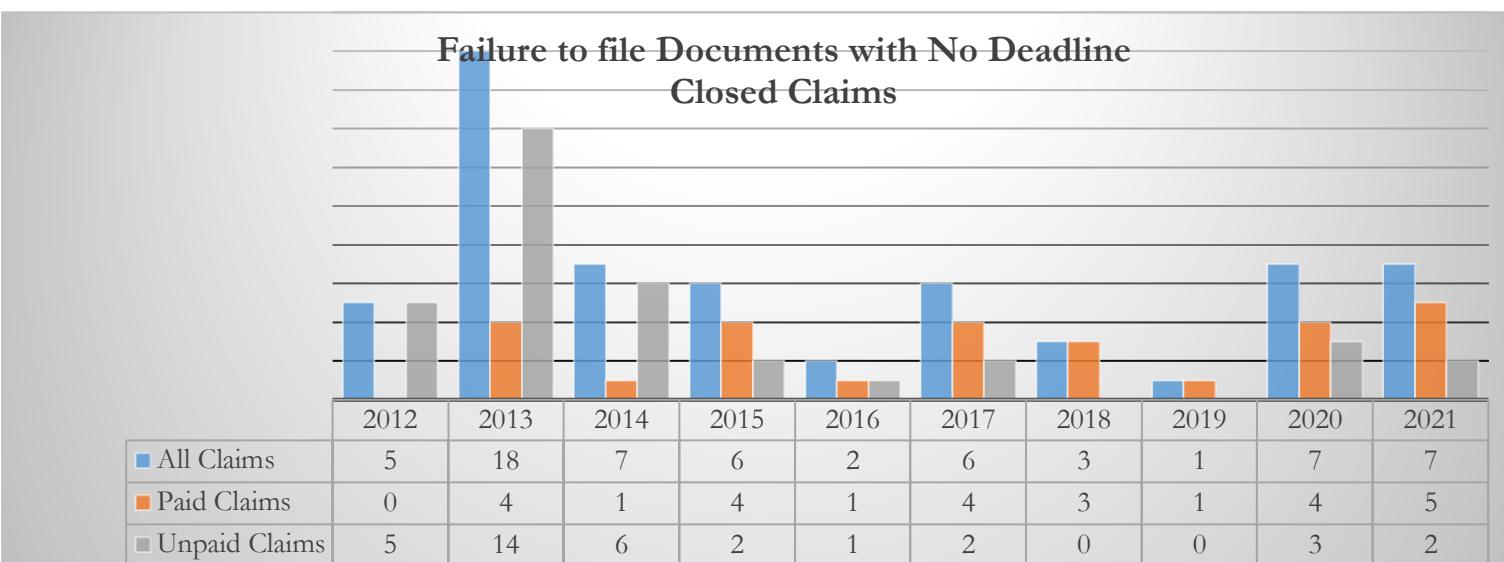




**Failure to File Documents with No Deadline**  
**Average Indemnity & Expense**



**Failure to file Documents with No Deadline**  
**Closed Claims**



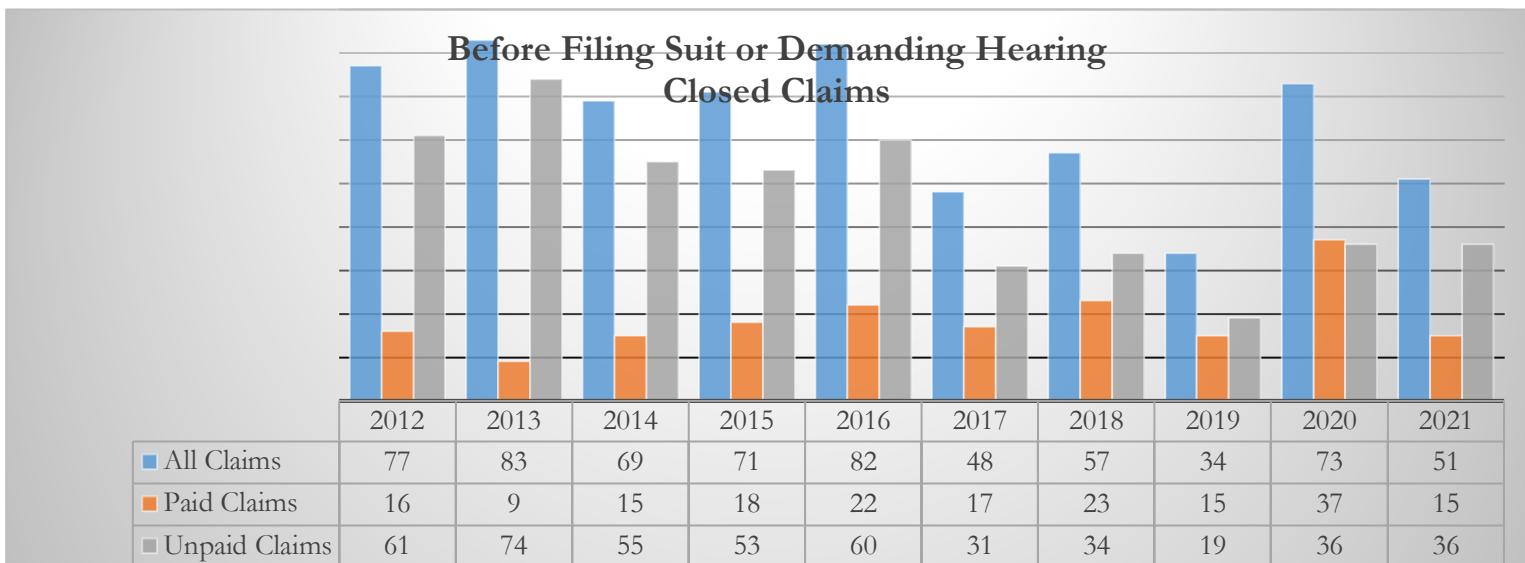
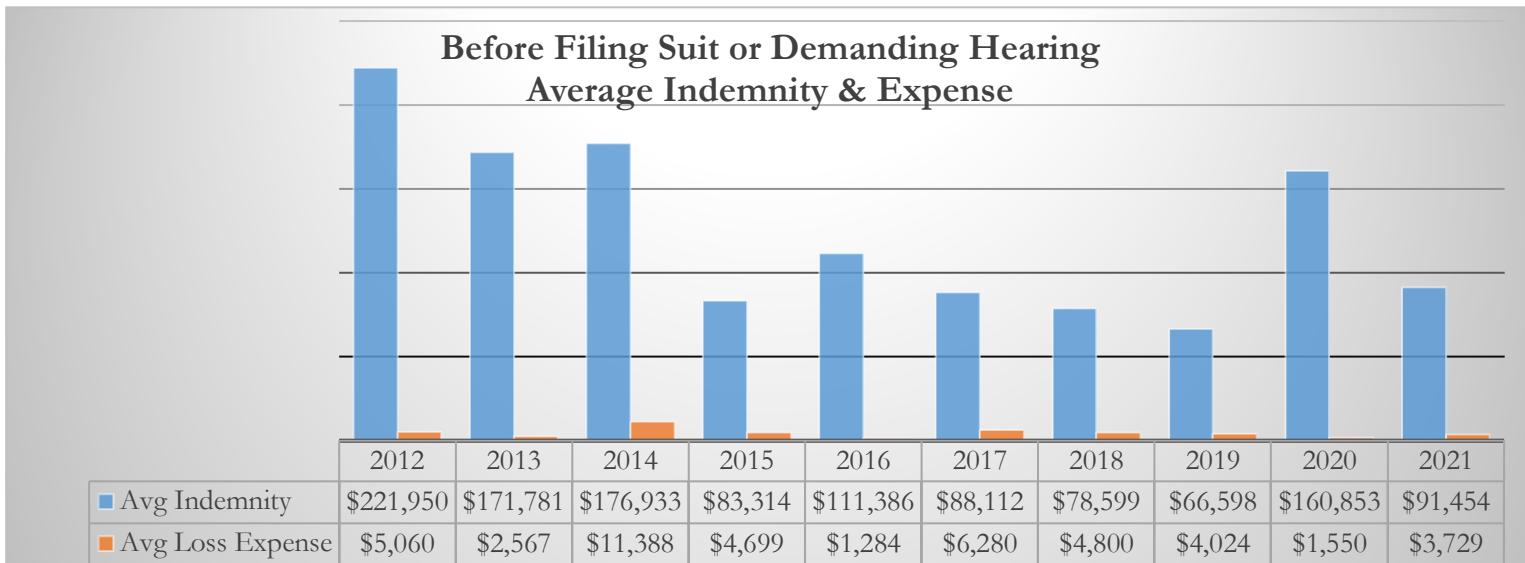
## **Method of Claim Disposition**

**Prior 10 Years**

Indemnity Analysis, 2012-2021							
Claim Disposition	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
Before Trial Or Hearing	738	264	56.8%	\$192,393	\$50,791,695	65.8%	\$34,278
Before Filing Suit Or Demanding Hearing	645	187	40.2%	\$124,756	\$23,329,397	30.2%	\$4,407
Claim Or Suit Abandoned	132	1	0.2%	\$6,500	\$6,500	0.0%	\$3,083
After Appeal	46	1	0.2%	\$25,000	\$25,000	0.0%	\$58,812
After Judgment, Before Appeal	37	6	1.3%	\$106,433	\$638,598	0.8%	\$51,823
After Trial Or Hearing, Before Judgment	19	1	0.2%	\$229,925	\$229,925	0.3%	\$20,593
During Trial Or Hearing	17	4	0.9%	\$460,875	\$1,843,499	2.4%	\$74,041
During Appeal	10	1	0.2%	\$348,110	\$348,110	0.5%	\$36,639
During Review Panel	6				\$0	0.0%	\$12,654
<b>Total</b>	<b>1,650</b>	<b>465</b>	<b>100.0%</b>	<b>\$166,049</b>	<b>\$77,212,724</b>	<b>100.0%</b>	<b>\$21,371</b>

Indemnity Analysis, 2021								Average Loss Expense, All Closed Claims
Claim Disposition	All Closed Claims	Number of Paid Claims	Total Indemnity	Percent of Paid Claims	Average Indemnity Per Paid Claim	Percent of Total Indemnity		
Before Filing Suit Or Demanding Hearing	51	15	\$1,371,814	50.0%	\$91,454	33.9%		\$3,729
Before Trial Or Hearing	35	14	\$2,649,400	46.7%	\$189,243	65.6%		\$26,321
Claim Or Suit Abandoned	11	0	\$0	0.0%	\$0	0.0%		\$2,578
After Appeal	3	0	\$0	0.0%	\$0	0.0%		\$36,403
After Judgment, Before Appeal	3	1	\$20,000	3.3%	\$20,000	0.5%		\$53,602
During Review Panel	1	0	\$0	0.0%	\$0	0.0%		\$0
<b>Total</b>	<b>104</b>	<b>30</b>	<b>\$4,041,214</b>	<b>100.0%</b>	<b>\$134,707</b>	<b>100.0%</b>		<b>\$13,556</b>

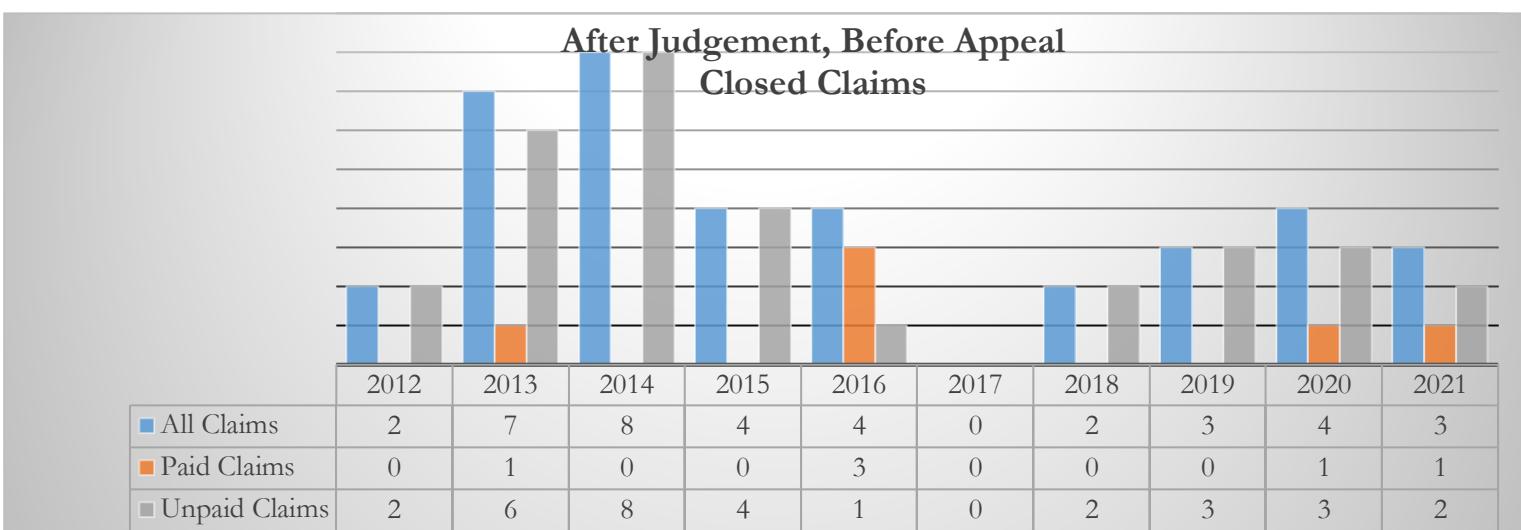
**Yearly Trends in  
Method of Claim Disposition  
Prior Ten Years**



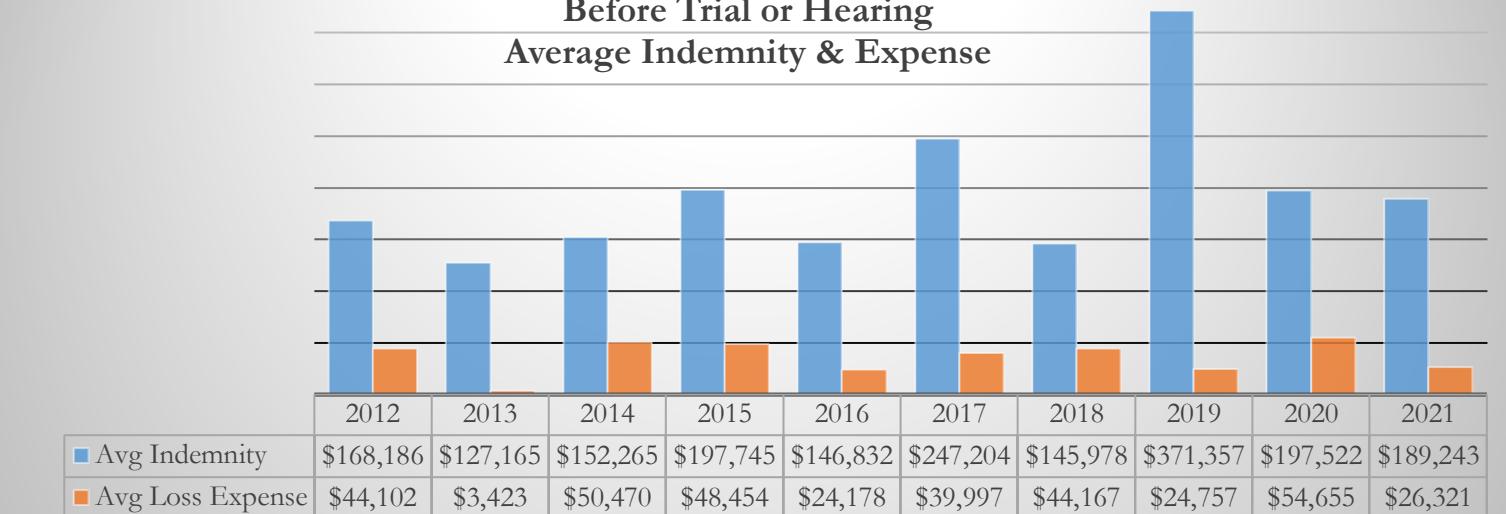
**After Judgement, Before Appeal**  
**Average Indemnity & Expense**



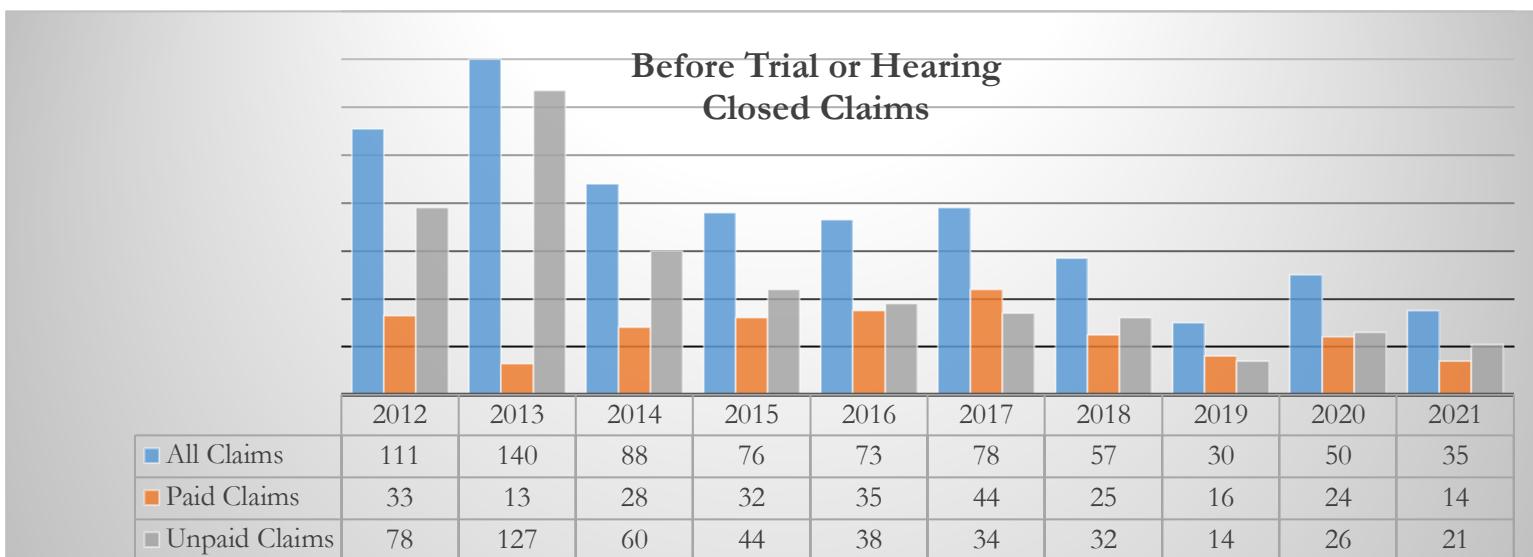
**After Judgement, Before Appeal**  
**Closed Claims**



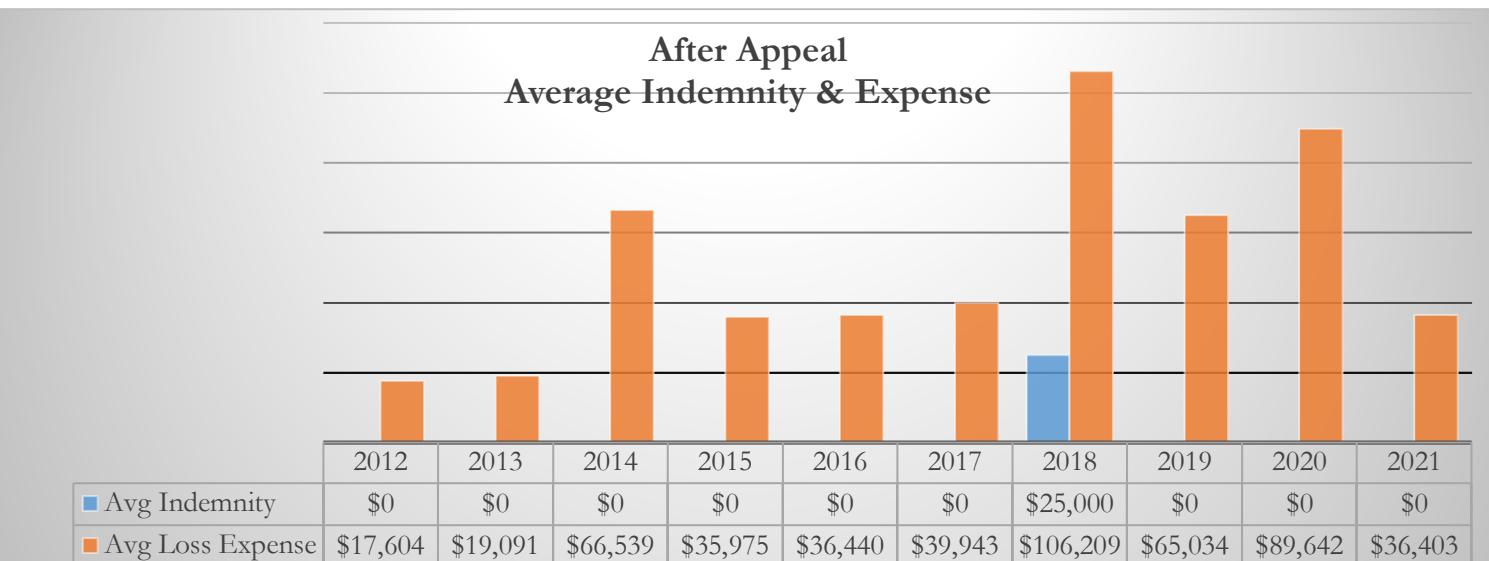
**Before Trial or Hearing**  
**Average Indemnity & Expense**



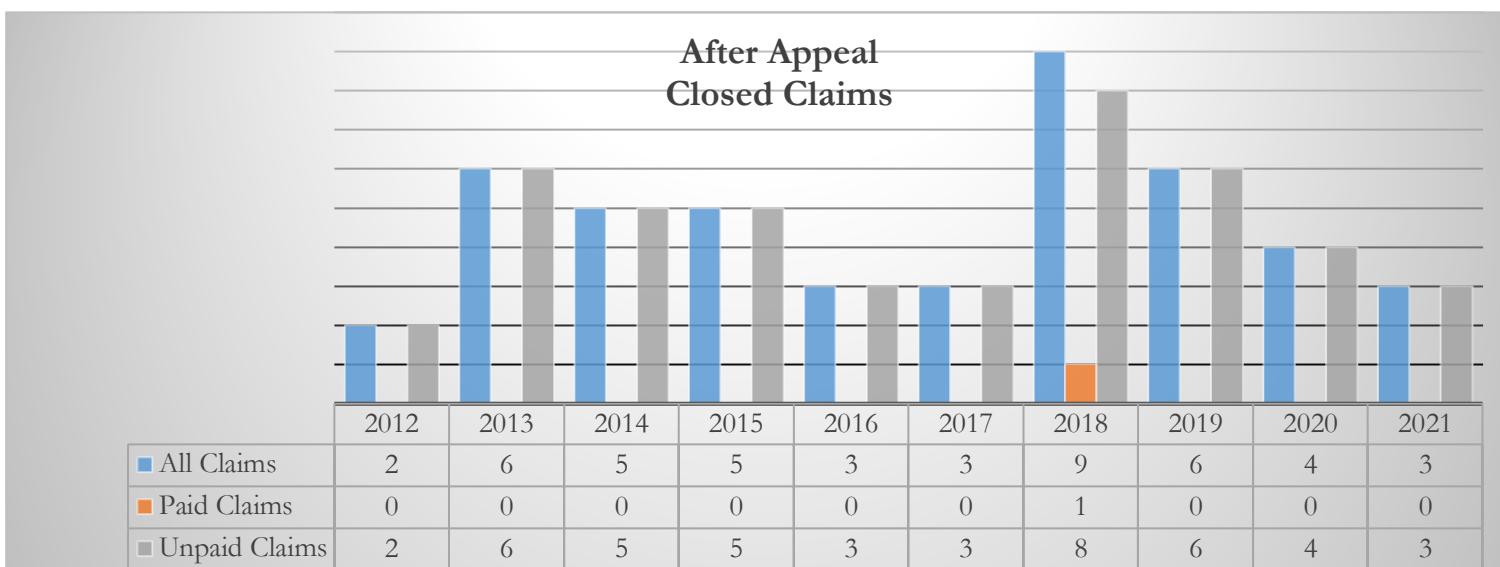
**Before Trial or Hearing**  
**Closed Claims**

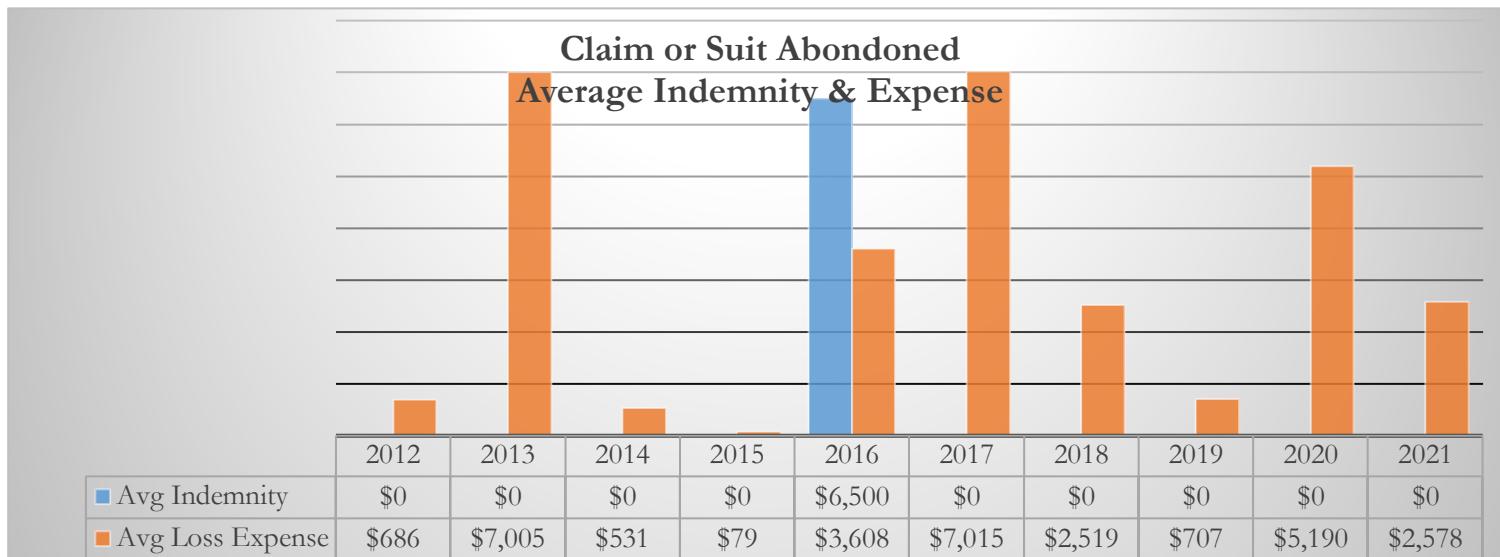
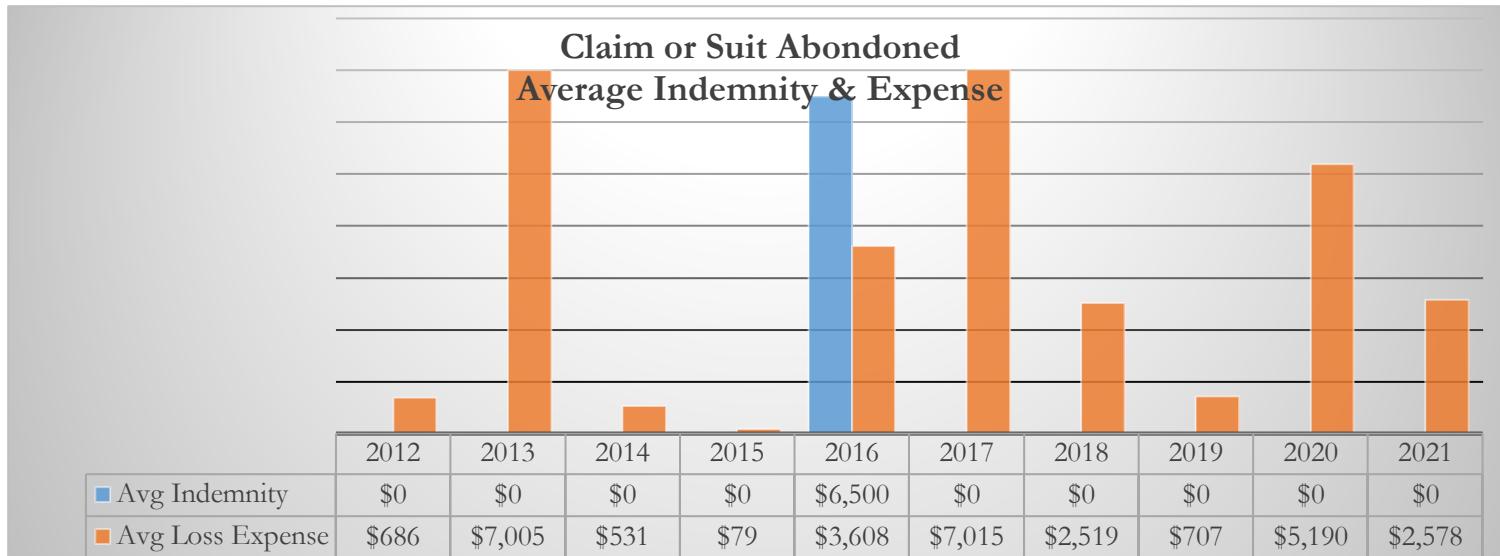


**After Appeal**  
**Average Indemnity & Expense**



**After Appeal**  
**Closed Claims**





**During Review Panel**  
**Average Indemnity & Expense**

	2014	2015	2016	2017	2018	2019	2020	2021
■ Avg Indemnity	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
■ Avg Loss Expense	\$0	\$0	\$0	\$0	\$73,113	\$0	\$2,810	\$0

**During Review Panel**  
**Closed Claims**

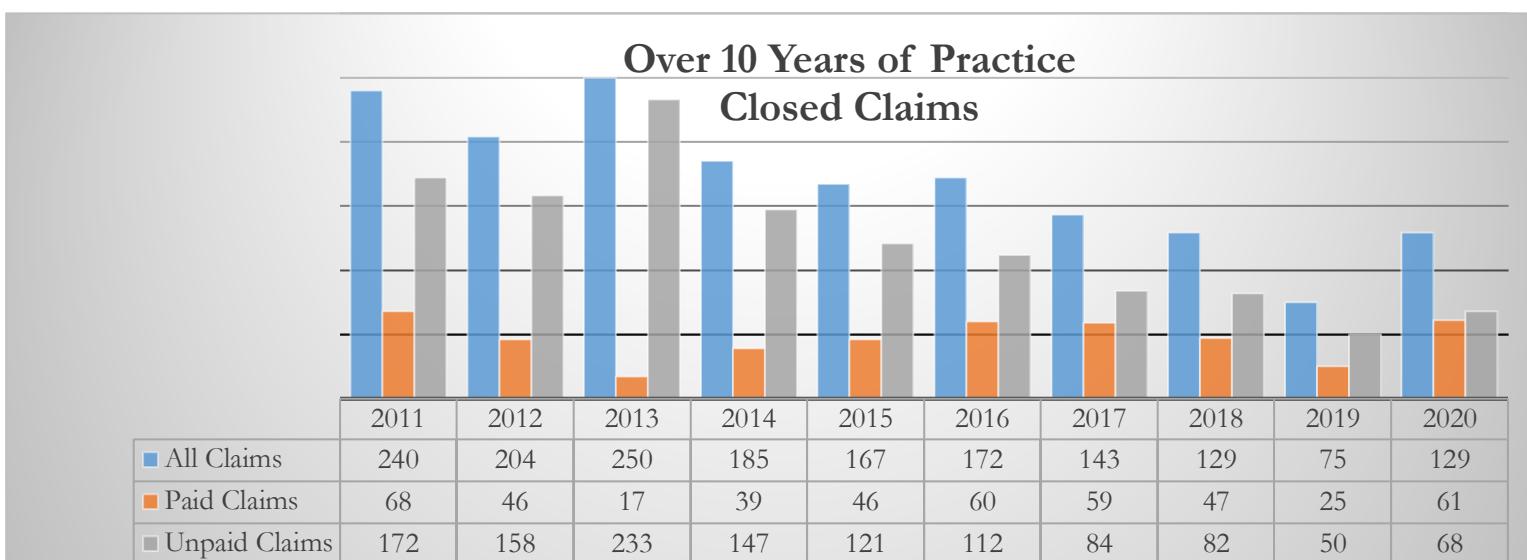
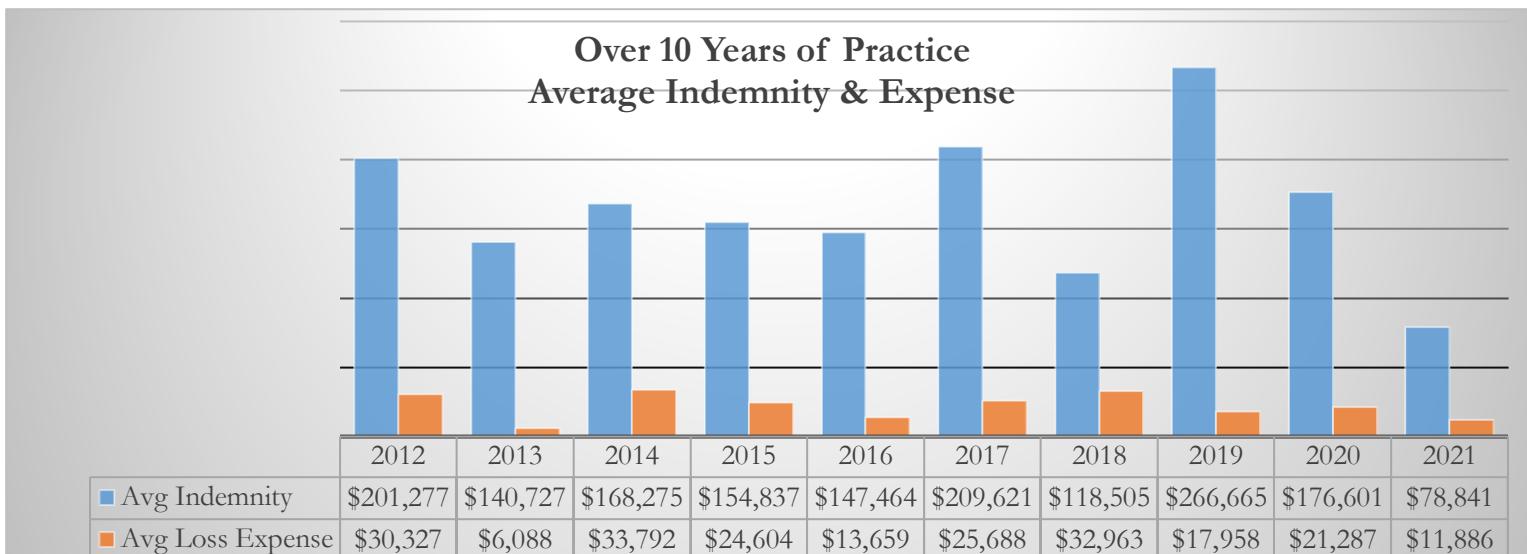
	2014	2015	2016	2017	2018	2019	2020	2021
■ All Claims	1	0	2	0	1	0	1	1
■ Paid Claims	0	0	0	0	0	0	0	0
■ Unpaid Claims	1	0	2	0	1	0	1	1

## **Claims by Years of Practice**

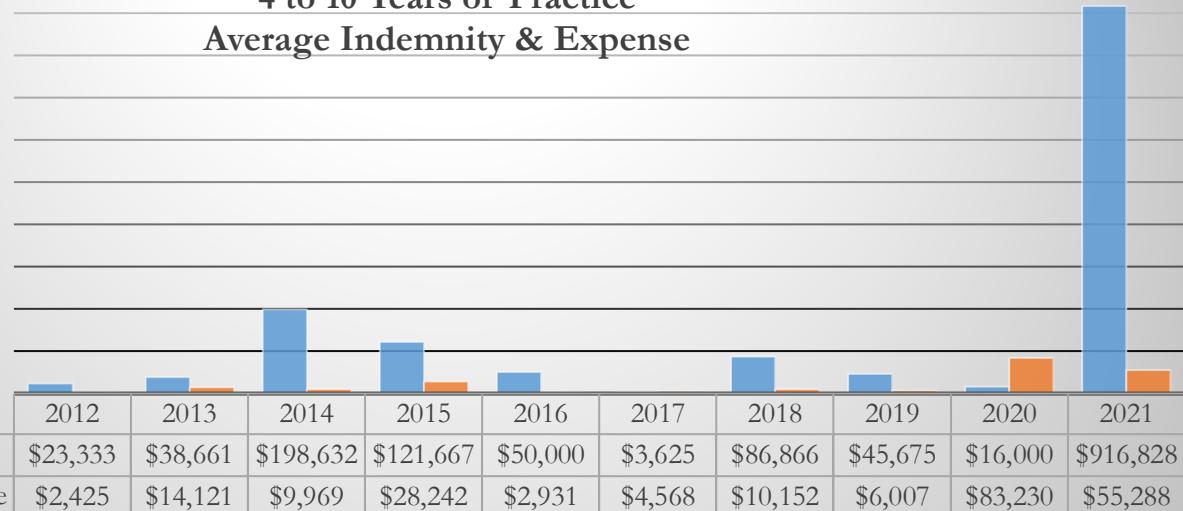
### **Prior Ten Years**

Indemnity Analysis by Years of Practice, 2012-2021							
Year of Practice	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
UNDER 4 YEARS	13	5	1.1%	\$232,123	\$1,160,614	1.5%	\$12,104
4 TO 10 YEARS	85	33	7.1%	\$135,160	\$4,460,279	5.8%	\$18,094
OVER 10 YEARS	1,552	427	91.8%	\$167,662	\$71,591,831	92.7%	\$21,628
<b>Total</b>	<b>1,650</b>	<b>465</b>	<b>100.0%</b>	<b>\$166,049</b>	<b>\$77,212,724</b>	<b>100.0%</b>	<b>\$21,371</b>

Indemnity Analysis by Years of Practice, 2021							
Year of Practice	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
4 TO 10 YEARS	4	2	6.7%	\$916,828	\$1,833,656	45.4%	\$55,288
OVER 10 YEARS	100	28	93.3%	\$78,841	\$2,207,558	54.6%	\$11,886
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	



**4 to 10 Years of Practice**  
**Average Indemnity & Expense**



**4 to 10 Years of Practice**  
**Closed Claims**



**Less Than 4 Years of Practice**  
**Average Indemnity & Expense**

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Avg Indemnity	\$2,500	\$625,000	\$0	\$340,000	\$95,000	\$0	\$0	\$0	\$98,114	\$0
Avg Loss Expense	\$5,999	\$22,650	\$0	\$13,129	\$30,547	\$1,293	\$0	\$0	\$1,887	\$0

**Less Than 4 Years of Practice**  
**Closed Claims**

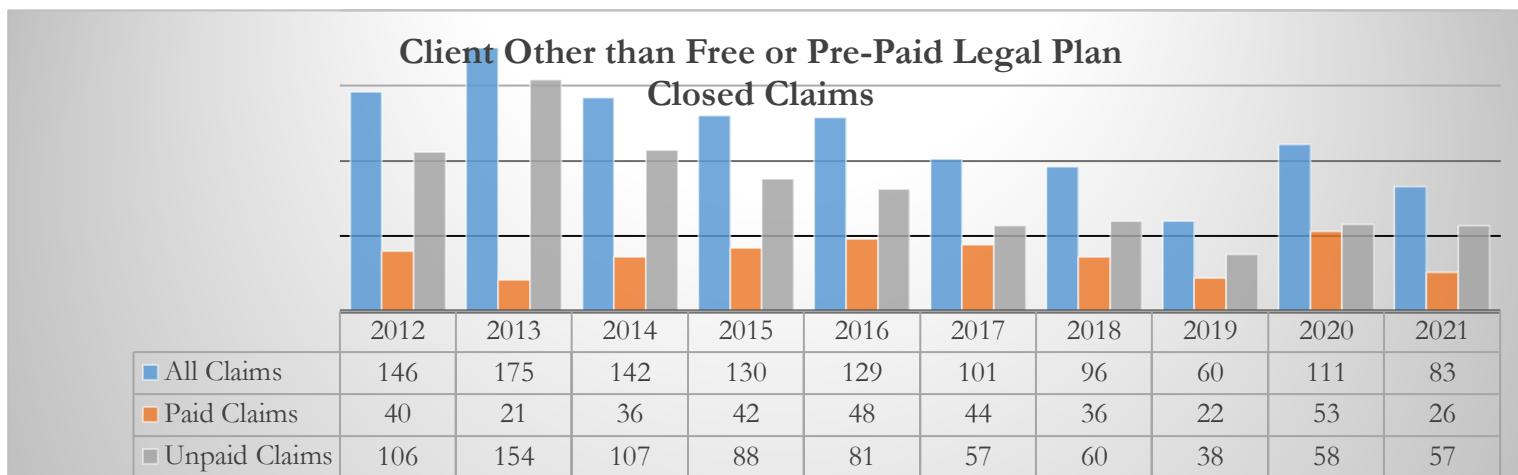
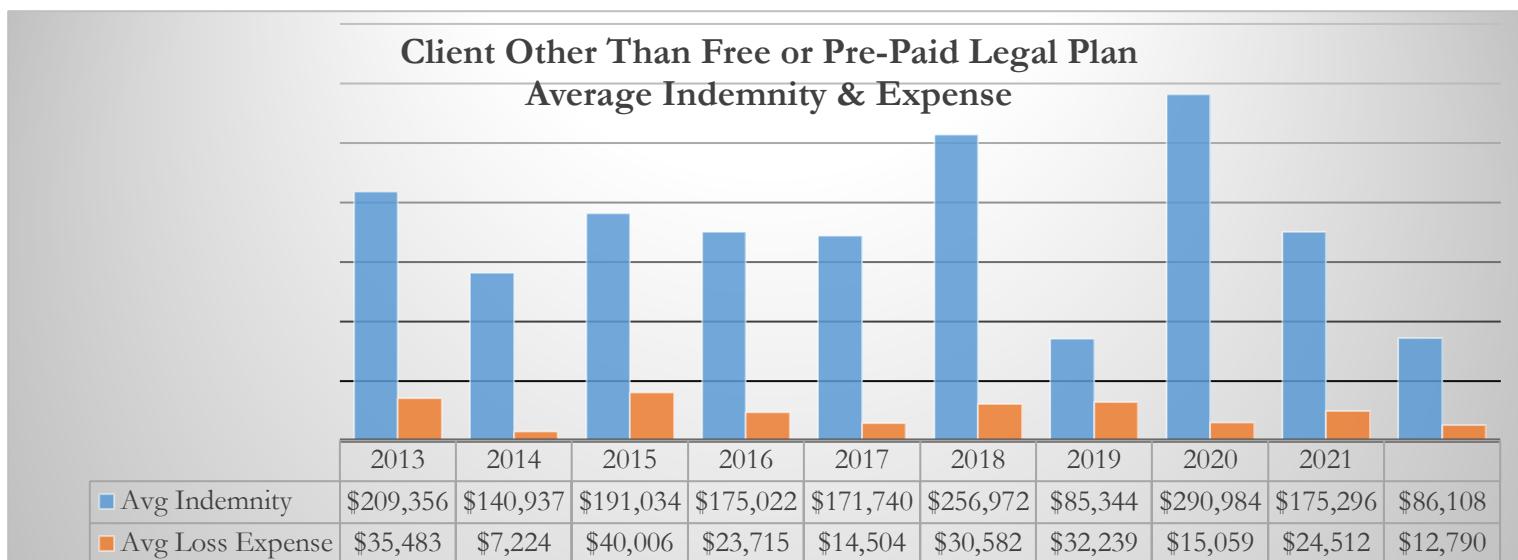
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
All Claims	2	3	2	1	2	1	1	0	1	0
Paid Claims	1	1	0	1	1	0	0	0	1	0
Unpaid Claims	1	2	2	0	1	1	1	0	0	0

## **Claims by Claimant's Relationship to Plaintiff**

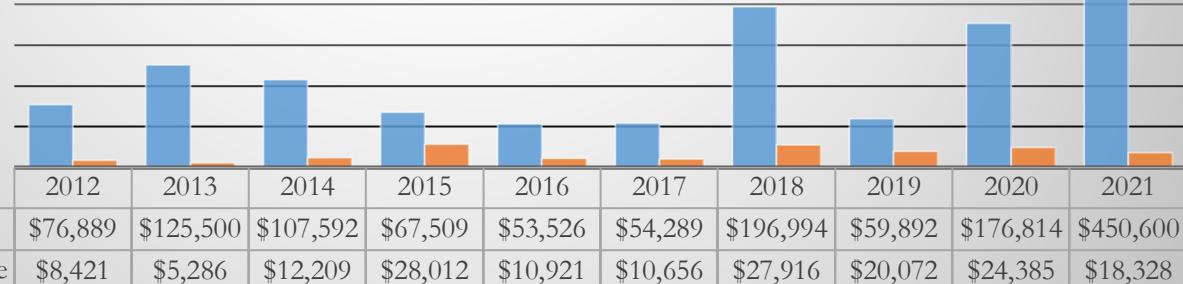
### **Prior Ten Years**

Indemnity Analysis by Relationship to Claimant, 2012-2021							
Insureds Relationship to Claimant	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
FREE LEGAL SERVICE	5				\$0	0.0%	\$2,664
MEMBER PRE-PAID LEGAL PLAN	10	4	0.9%	\$118,375	\$473,500	0.6%	\$62,215
CLIENT OTHER THAN ABOVE	1173	368	79.1%	\$179,663	\$66,115,897	85.6%	\$23,827
NON-CLIENT	462	93	20.0%	\$114,229	\$10,623,327	13.8%	\$14,453
<b>Total</b>	<b>1650</b>	<b>465</b>	<b>100.0%</b>	<b>\$166,049</b>	<b>\$77,212,724</b>	<b>100.0%</b>	<b>\$21,371</b>

Indemnity Analysis by Relationship to Claimant, 2021							
Insureds Relationship to Claimant	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
FREE LEGAL SERVICE	1				\$0	0.0%	\$1,409,797
MEMBER PRE-PAID LEGAL PLAN	1				\$0	0.0%	\$0
CLIENT OTHER THAN ABOVE	83	26	86.7%	\$86,108	\$2,238,814	55.4%	\$12,790
NON-CLIENT	19	4	13.3%	\$450,600	\$1,802,400	44.6%	\$18,328
<b>Total</b>	<b>104</b>	<b>30</b>	<b>100.0%</b>	<b>\$134,707</b>	<b>\$4,041,214</b>	<b>100.0%</b>	<b>\$13,556</b>

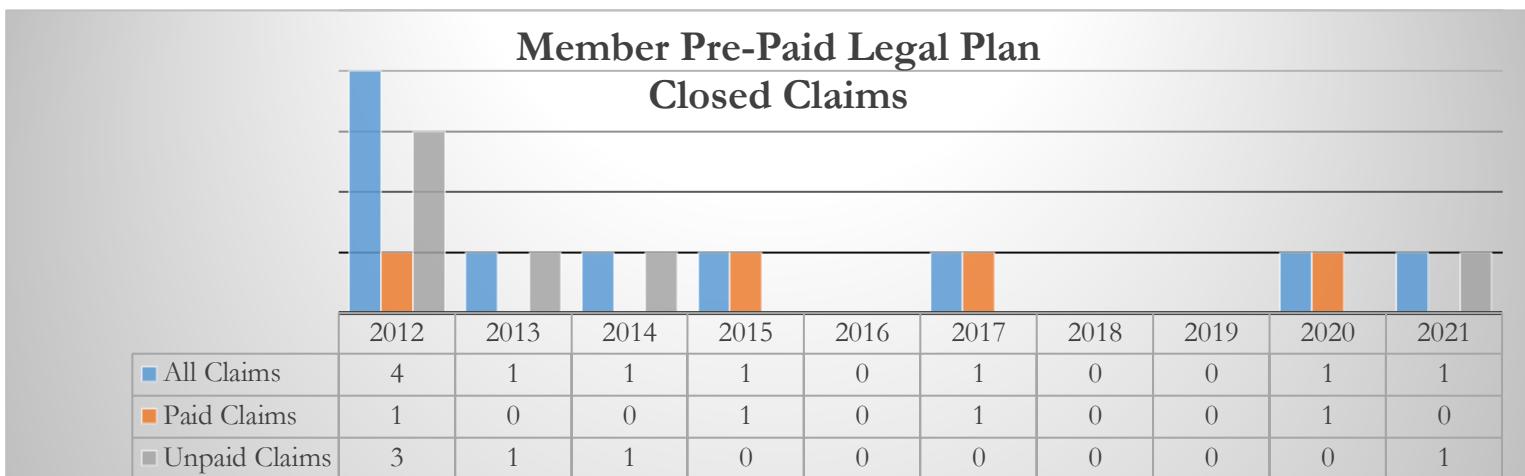
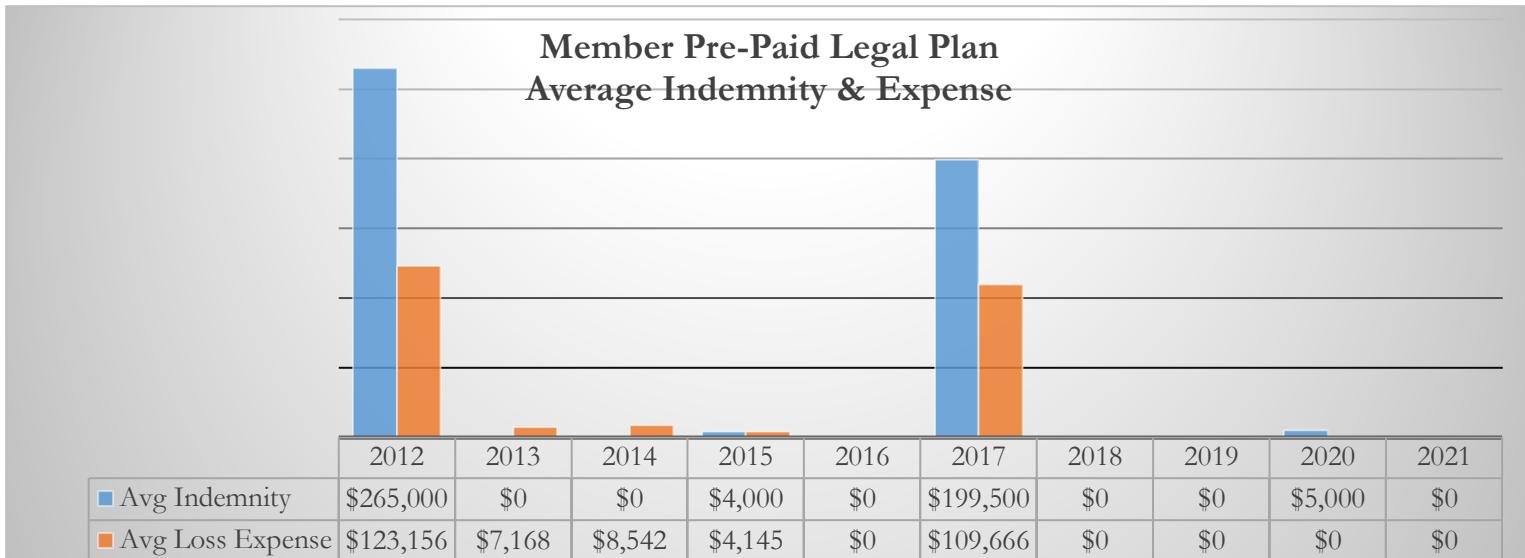


**Non-Client  
Average Indemnity & Expense**



**Non-Client  
Closed Claims**

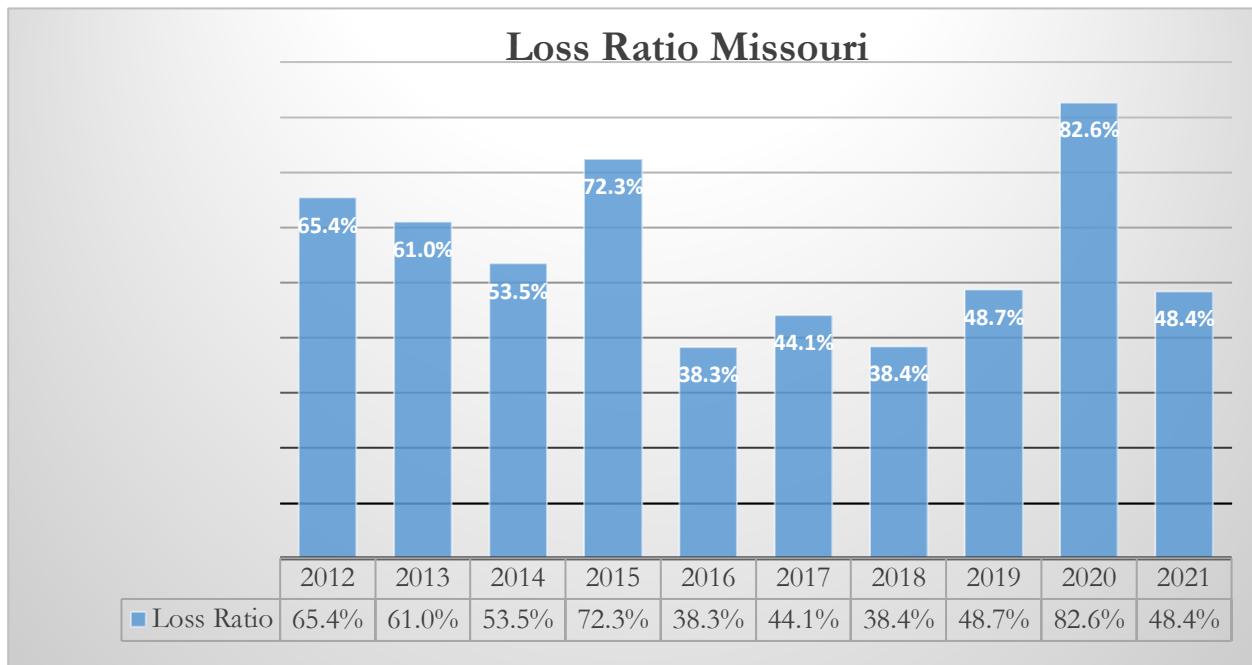




**Premium & Loss Data**  
**By Insurer**

Insurer Market Share and Loss Ratio						
NAIC Company Code	Insurer Name	Market Share	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
29513	Bar Plan Mutual Insurance Company The	54.8%	\$7,895,077	\$7,935,092	-\$25,519	-0.4%
20443	Continental Casualty Company	16.0%	\$2,306,214	\$924,116	\$2,871,182	46.6%
32450	Alps Property & Casualty Company	9.9%	\$1,422,776	\$1,360,162	\$2,619,383	42.5%
22292	Hanover Insurance Company The	7.9%	\$1,135,557	\$1,071,201	\$337,041	5.5%
37273	Axis Insurance Company	3.1%	\$441,436	\$395,978	\$279,586	4.5%
31194	Travelers Casualty And Surety Company Of America	2.6%	\$380,697	\$394,330	\$90,319	1.5%
22730	Allied World Insurance Company	2.5%	\$363,948	\$243,973	\$64,612	1.0%
24147	Old Republic Insurance Company	1.9%	\$279,201	\$244,629	-\$70,351	-1.1%
39322	General Security National Insurance Company	0.6%	\$89,789	\$76,493	\$28,159	0.5%
22241	Medmarc Casualty Insurance Company	0.5%	\$68,644	\$57,926	\$25,516	0.4%
29459	Twin City Fire Insurance Company	0.1%	\$14,465	\$16,427	\$0	0.0%
11000	Sentinel Insurance Company Ltd	0.1%	\$7,626	\$7,680	\$0	0.0%
30104	Hartford Underwriters Insurance Company	0.0%	\$6,001	\$4,592	\$0	0.0%
29424	Hartford Casualty Insurance Co	0.0%	\$4,984	\$4,984	\$0	0.0%
16624	Allied World Specialty Insurance Company	0.0%	\$1,909	\$3,052	\$982	0.0%
16691	Great American Insurance Company	0.0%	\$0	\$0	-\$8,018	-0.1%
19518	Catlin Insurance Company Inc	0.0%	\$0	\$0	-\$47,870	-0.8%
42307	Navigators Insurance Company	0.0%	\$0	\$0	\$105	0.0%

Legal Malpractice Missouri Experience				
Year	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
2012	\$15,356,950	\$15,088,454	\$9,871,352	65.4%
2013	\$15,843,263	\$15,221,120	\$9,291,232	61.0%
2014	\$16,725,395	\$16,787,627	\$8,975,108	53.5%
2015	\$16,452,459	\$16,412,220	\$11,873,680	72.3%
2016	\$16,350,726	\$16,425,472	\$6,289,090	38.3%
2017	\$16,385,754	\$16,414,566	\$7,242,168	44.1%
2018	\$15,333,042	\$15,946,562	\$6,127,946	38.4%
2019	\$15,172,518	\$15,270,375	\$7,433,567	48.7%
2020	\$14,594,268	\$13,036,299	\$10,773,061	82.6%
2021	\$14,418,324	\$12,740,635	\$6,165,127	48.4%



INSURANCE  
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For questions about your  
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**insurance.mo.gov  
800-726-7390**



Missouri Department of Commerce & Insurance

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